

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

SCOTT TURNAGE, CORTEZ D. BROWN,
DEONTAE TATE, JEREMY S. MELTON,
ISSACCA POWELL, KEITH BURGESS,
TRAVIS BOYD, TERRENCE DRAIN, and
KIMBERLY ALLEN on behalf of themselves
and all similarly situated persons,
Plaintiffs,

VS.

NO. 2:16-cv-02907-SHM-tmp

BILL OLDHAM, FLOYD BONNER, JR.,
ROBERT MOORE, KIRK FIELDS, CHARLENE
McGHEE, REGINALD HUBBARD, DEBRA
HAMMONS, TIFFANY WARD, SHELBY
COUNTY, TENNESSEE, TYLER
TECHNOLOGIES, INC., GLOBAL TEL LINK
CORPORATION, SOFTWARE AG USA, INC.,
SIERRA-CEDAR, INC., SIERRA SYSTEMS
GROUP, INC., and TETRUS CORP.,
Defendants.

THE DEPOSITION OF ROBERT MOORE

March 11, 2020

LISA C. VAUGHN, RPR, LCR(TN)
RIVERSIDE REPORTING SERVICE
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RIVERSIDE REPORTING SERVICE

1 The Videotaped Deposition of ROBERT
2 MOORE is taken on behalf of the Plaintiffs, on
3 this the 11th Day of March, 2020, pursuant to
4 notice and consent of counsel, beginning at
5 approximately 9:30 a.m. in the offices of
6 Baker, Donelson, Bearman, Caldwell &
7 Berkowitz, 165 Madison Avenue, Suite 2000,
8 Memphis, Tennessee.

9 This deposition is taken pursuant to
10 the terms and provisions of the Federal Rules
11 of Civil Procedure.

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A P P E A R A N C E S

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On Behalf of Shelby County
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On Behalf of Tyler Technologies:

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A P P E A R A N C E S, Cont.

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20 On Behalf of Sierra Systems
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A P P E A R A N C E S, Cont.

2

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Memphis, Tennessee 38120

6

7

8 Also Present: Ben Siler, Videographer

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1 THE VIDEOGRAPHER: Here begins the video
2 deposition of Robert Moore in the matter of Scott
3 Turnage vs. Bill Oldham. This deposition is being
4 held at Baker, Donelson on March 11th, 2020.

5 My name is Ben Siler for Law Media.

6 The court reporter is Lisa Vaughn from
7 Riverside. We are on record at 9:43 a.

12 MR. WATSON: This is Frank Watson on
13 behalf of the plaintiffs.

14 MR. BURNS: Bill Burns on behalf of the
15 plaintiffs.

16 MR. McLAREN: I'm Mike McLaren on behalf
17 of the plaintiffs.

18 MR. HORTON: Odell Horton, Jr. on behalf
19 of Shelby County and the individual defendants.

20 MR. CRADDOCK: Robert Craddock on behalf
21 of Shelby County and the individual defendants

22 MR. WHITWELL: Lee Whitwell, Shelby
23 County Attorney's Office.

MS. COX: Meghan Cox on behalf of

1 Shelby County and the individual defendants.

2 MR. AL McLEAN: Al McLean on behalf of
3 Sierra-Cedar, Inc.

4 MR. HALIJAN: Dough Halijan for Software
5 AG.

6 MS. PETRONIO: Beth Petronio for Tyler
7 Technologies.

8 MR. TRAMMELL: Brad Trammell for Tyler
9 Technologies. And who is on the phone, please?

10 MR. ROBERT McLEAN: Bob McLean,
11 Tetrus.

12 MR. BUNDREN: Brandon Bundren for GTL.

13 MS. GWINN PABON: Heather Gwinn
14 Pabon for Sierra Systems.

15 MR. IRVINE: Will Irvine for
16 Software AG.

17 MR. TRAMMELL: Brice.

18 MR. TIMMONS: Brice Timmons for the
19 plaintiffs.

20 ROBERT MOORE,
21 Having been first duly sworn, was examined
22 and testified as follows:

23 MR. HORTON: Frank, before we get
24 started --

1 MR. WATSON: Sure.

2 MR. HORTON: -- I think we've already
3 talked about it, but just to be clear, all
4 objections, except to the form of the question,
5 are reserved; is that right?

6 MR. WATSON: Right. This is being taken
7 pursuant to the Federal Rules of Civil Procedure.

8 MR. HORTON: Okay.

9 MR. WATSON: So it should be all
10 objections are reserved except as to form.

11 MR. HORTON: And I think we talked about
12 earlier one objection to the form will be enough
13 for everybody, or does -- so we don't have a roll
14 call objection?

15 MR. WATSON: That's correct. We don't
16 need to have everybody object. One objection will
17 suffice.

18 MR. HORTON: Okay.

19 MR. AL McLEAN: And if we object as to
20 form, just object -- we just say object to form
21 and that's sufficient as far as --

22 MR. WATSON: Yes, I would say so.

23 MR. AL McLEAN: Thank you.

24 MR. HORTON: And I think -- just one

1 more thing. We're going to number the exhibits
2 sequentially all the way through. We're not going
3 to do Deposition one 1 through whatever?

4 MR. WATSON: That's correct.

5 MR. HORTON: Okay.

6 MR. WATSON: In other words, for -- not
7 only for this witness but all. We'll just start
8 with Number 1 --

9 MR. HORTON: Okay.

10 MR. WATSON: -- and we'll go
11 sequentially so it will be easier for everybody.

12 And we're going to let Ms. Vaughn
13 retain the originals of the exhibits, but -- I
14 suspect we'll have a number of exhibits today,
15 so that we would -- if someone on the phone
16 doesn't get it they can contact the court
17 reporter to get those documents.

18 MR. HORTON: Okay. Thank you.

19 MR. TRAMMELL: Before we move forward,
20 does anybody on the phone have any preliminary
21 matters to also address before we move forward?

22 MR. BUNDREN: This is Brandon Bundren on
23 the phone. For those of us on the phone, if y'all
24 reference an exhibit, we would appreciate just a

1 Bates number so we can pull it up as necessary.

2 MR. WATSON: Right. I think we have
3 that for every one of these. We can do that.

4 MR. TRAMMELL: Thank you, Mr. Watson.

5 EXAMINATION

6 BY MR. WATSON:

7 Q Mr. Moore, my name is Frank Watson. We
8 just met a few moments ago. We didn't shake
9 hands in the hall because of the coronavirus
10 concern. How are you this morning?

11 A I'm doing very well. And yourself?

12 Q Good. Have you ever had your deposition
13 taken before?

14 A Yes, sir.

15 Q Okay. In what instance did you have your
16 deposition taken before?

17 A It would be highly unlikely for me to
18 identify them, but I've had depositions taken
19 before.

20 Q Okay. How many would you say, two,
21 three, four?

22 A Several.

23 Q Several?

24 A Yes.

1 Q Okay. Were they related to your capacity
2 working for the Shelby County Jail?

3 A Yes, sir.

4 Q Okay.

5 A Shelby County Government.

6 Q Okay. And -- today I'm going to ask you
7 some questions concerning the Shelby County
8 Jail and your work at that jail, and if you
9 have any concerns or questions you don't
10 understand, will you -- will you stop me and
11 not answer the question?

12 A Yes, sir.

13 Q Okay.

14 A Thank you.

15 Q Sure. And -- so if you need
16 clarification I'm happy to give it. Can we
17 agree that if you do answer a question that
18 I -- I'm going to assume you understand the
19 question. Is that fair?

20 A That's fair.

21 Q Okay. Help me out, just to get a little
22 background on you before we get into
23 questions, I take it you -- are you from
24 Memphis originally?

1 A Yes, sir.

2 Q Okay. Did you go to high school here in
3 town?

4 A Yes, sir.

5 Q And where did you go -- graduate from
6 high school?

7 A Manassas. Manassas. Manassas.

8 Q Oh, Manassas. Okay. Got it. And from
9 Manassas -- did you have any other education
10 after Manassas?

11 A Shelby State.

12 Q Shelby State. Okay. And is that a
13 two-year degree?

14 A Yes, sir.

15 Q Okay. And then from -- let me get your
16 work history. After Shelby State, where did
17 you go to work?

18 A Firestone Tire & Rubber.

19 Q How long did you work at Firestone Tire &
20 Rubber?

21 A Fourteen years.

22 Q Okay. And then where did you go from
23 there?

24 A Shelby County Corrections.

1 Q Okay. What year was that, roughly?

2 A '84, 1984.

3 Q In what capacity were you working for
4 Shelby County Corrections at that time?

5 A I started off as an officer and ended up
6 as the Administrator of Operations.

7 Q Okay. Now, was that at 201 Poplar?

8 A No, sir. That's the Shelby County
9 Division of Corrections.

10 Q Okay. Out at the Penal Farm?

11 A Yes, sir.

12 Q Okay. And -- so you were the
13 administrator of what?

14 A Operations.

15 Q Operations. Out at the Penal Farm?

16 A Yes, sir.

17 Q Okay. And then where did you go from
18 there?

19 A Shelby County Jail.

20 Q And what year was that, roughly?

21 A 2001.

22 Q Okay. What was your position there?

23 A Chief of Security.

24 Q And what were your duties and

1 responsibilities as Chief of Security of the
2 Shelby County Jail?

3 A To ensure the policies for security were
4 being carried out in a -- in a way that the
5 sheriff was completely satisfied and, you
6 know, dealing with the inmates and their needs
7 and what have you.

8 Q Okay. And after you -- how long did you
9 serve as Chief of Security?

10 A For eight year -- seven and a half years.

11 Q Okay. And then where did you go from
12 there?

13 A To Chief Jailer.

14 Q Chief Jailer. Okay. Now, what year was
15 that?

16 A Wow. 2017 -- 2'08 and a half -- 2'0 --
17 2'08, 2'09.

18 Q Okay. So 2008, 2009 you became the Chief
19 Jailer. And how long did you serve in that
20 capacity?

21 A Until 2017.

22 Q And did you retire in 2017?

23 A Yes, sir.

24 Q Okay. And you're retired today?

1 A Yes, sir.

2 Q Okay. You're not working anywhere is
3 what I'm --

4 A No, sir.

5 Q Okay.

6 A No, sir.

7 Q So -- help me out, as the Chief Jailer,
8 what were your duties and responsibilities?

9 A To ensure that the policies that were
10 mandated and signed off by the sheriff were
11 being carried out throughout the jail
12 operations, which were in several different
13 areas.

14 Q As the former Chief Jailer, you would
15 agree, wouldn't you, that it's important for
16 the Shelby County Jail to adopt, implement and
17 carry out an adequate system for processing
18 inmates that are brought to the Shelby County
19 Jail, right?

20 A Yes, sir.

21 Q Okay. And why do you agree with that?

22 A Because that's part of the policy.

23 Q Well, I mean, isn't one of the reasons
24 why that's important is to ensure that the

1 inmates' constitutional rights are not
2 violated?

3 A That's your version of it, yes, sir,
4 but --

5 Q Well --

6 A -- as far as I'm concerned that was part
7 of the policy that was before us, and -- so we
8 had to ensure that those things were carried
9 out --

10 Q Right. But part --

11 A -- for safety and --

12 Q -- of the policy -- part of the -- the
13 basis of the policy is to ensure that inmates
14 are timely released, correct?

15 A The -- well, I -- yes. Okay. I -- I
16 can't -- I can't agree to that one specific
17 thing because the safety of the inmates within
18 the facility, to help the feeding, the meals,
19 the -- I mean, there are a thousand things
20 that go with that, so, for me to specifically
21 bring that out, I would have to just try and
22 address it in a general form that, yes, that's
23 part of it.

24 Q So when the -- when Shelby County adopts

1 and implements a system to process, hold and
2 release prisoners at the Shelby County Jail,
3 it's got to make sure that that system works
4 correctly; is that fair?

5 A It is our responsibility to work at
6 ensuring that it works, yes, sir.

7 Q And would you agree that one of the key
8 components of the jail system, of processing,
9 holding and releasing inmates, is
10 communication?

11 A Yes, sir.

12 Q And if you can't effectively communicate
13 within the system, it's not going to work; is
14 that fair?

15 A Yes, sir.

16 Q Okay. And that, in fact, happened in
17 this case; is that correct?

18 A What do you mean?

19 MR. HORTON: Object to the form.

20 BY MR. WATSON:

21 Q You would agree that the system that the
22 County adopted, that is the computer system
23 that we're talking about in this case, broke
24 down; is that fair?

1 MR. HORTON: Well, let me -- let me
2 object, Frank. I think that we are agreeing --
3 well, whether you agree or not that we're talking
4 about -- there's a difference between merits and
5 class, and I think we're here for class. I
6 think that -- that gets towards a merits kind of
7 question.

8 MR. WATSON: I've got to have a
9 fundamental basis to talk to the witness.

10 MR. HORTON: Well --

11 MR. WATSON: So is that an objection or
12 not?

13 MR. HORTON: It's an objection.

14 MR. WATSON: Okay. Can you read back
15 the last question?

16 (Whereupon, the requested question was
17 read back by the court reporter.)

18 BY MR. WATSON:

19 Q You can answer.

20 A Yes, sir.

21 Q Okay. And the computer system was known
22 as -- and I want to make sure we get the terms
23 right. The new computer system that the
24 County adopted was called the Shelby County

1 Integrated Criminal Justice System; is that
2 correct?

3 A I'm -- you'll have to -- OMS -- the new
4 system --

5 Q Okay.

6 A -- OMS.

7 Q I want to get your terms down. I want to
8 use what you used while you were there. And
9 you're using a term OMS. That's the software
10 for the jail; is that correct?

11 A Yes.

12 Q Okay. And then there was -- and I take
13 it that software had not been -- that was
14 implemented sometime in November of 2016; is
15 that fair?

16 A Yes, sir.

17 Q Okay. Prior to then the jail did not
18 rely upon OMS as a software to process, hold
19 and release inmates; is that fair?

20 A Yes, sir.

21 Q Okay. So what -- what was the software?
22 Was it -- I think it was called JSSI; is that
23 fair?

24 A No, sir. J --

1 Q What --

2 A JMS.

3 Q JMS? That was the software that --

4 A For the jail. The ISS I think was in the
5 court system or something.

6 Q Okay. I was going to try to
7 differentiate a little bit between the court
8 system and the jail system. The jail system
9 that -- converted from JMS, as you say, to
10 OMS; is that fair?

11 A Yes, sir.

12 Q And then the -- the County Criminal Court
13 moved to Odyssey; is that right?

14 A Yes. That was a name that was being used
15 as another system that was to work with OMS.

16 Q Got it. Okay. And the problem was that
17 Odyssey didn't work with OMS correctly; is
18 that fair?

19 A Yes, sir.

20 Q Okay. So I want to talk -- I want to, if
21 we can, talk about -- when I say the word new
22 computer system, I mean the Odyssey and the
23 OMS trying to work together. Is that a fair
24 use of that term --

1 A Yes.

2 Q -- the new system?

3 A Yes.

4 Q Okay. Good. Now, in connection with the
5 new computer system, there were a number of
6 problems that your jailing administration
7 experienced; is that correct?

8 A Yes, sir.

9 Q And it was your understanding that those
10 problems were related to the issue of Odyssey
11 being able to communicate with OMS; is that
12 fair?

13 MR. TRAMMELL: Object to the form.

14 MR. HORTON: Go ahead.

15 BY MR. WATSON:

16 Q You can answer.

17 A Well -- repeat that question because the
18 answer --

19 Q Sure. Well, let me -- I'll ask it
20 open-ended. What was your understanding of
21 the -- of the problems with respect to the new
22 computer system?

23 A Well, at the very beginning of the
24 system, there -- we didn't understand the

1 system to have problems.

2 Q Okay.

3 A It's new. We're trying to get it
4 implemented, get it up, get it running, so we
5 were -- we were learning how to utilize the
6 system as best as we could, but we were not
7 using the system per se. It was just being
8 a -- a training process that was being
9 developed. Let me say it that way.

10 The system -- we could not identify the
11 problems in the system and did not identify
12 the problems in the system until we really
13 went live with the system.

14 Q Got it.

15 A So, as we went live, some of the problems
16 that we did identify to were jail problems.
17 We could not determine whether or not they
18 were because of any other parts of the system
19 that were not working. They were just
20 problems within the jail that the system
21 wasn't doing what it was supposed to do. So
22 that's what we identified to.

23 Q Right. Well, let me -- you talked about
24 go live. When did the new computer system go

1 live with respect to the Shelby County Jail?

2 A I don't want to be specific, I'm pretty
3 sure someone has a record as to the date, but
4 I think it was in 2016, somewhere around --

5 Q November -- does November the 5th sound
6 right, 2015, early --

7 A Maybe.

8 Q Okay.

9 A It sounds -- yeah.

10 Q We'll pinpoint a date later.

11 A Okay.

12 Q But -- well, let's go through the
13 problems that -- once you went live that you
14 became aware of. Let me review that.

15 So one of the problems that you -- that
16 you became aware of was that the -- there was
17 a problem with Odyssey telling OMS when
18 someone had a preset bond; is that fair?

19 MR. TRAMMELL: Object to the form.

20 MR. HORTON: The same.

21 THE WITNESS: You'll have to repeat that
22 question to me.

23 BY MR. WATSON:

24 Q Okay. Well, let's talk about -- let's do

1 this. I'll just do it open-ended. What kind
2 of problems did you experience in the jail
3 when the new system went live?

4 A Getting persons to court was one of our
5 major problems, identifying those persons who
6 needed to be in the various courts and at what
7 times they were supposed to be there.

8 The intake area would have problems
9 getting persons into the system and holding
10 them there to process them. Medical had
11 problems dealing with the -- there were a
12 number of problems that we identified to, so
13 when we -- I don't -- to be specific,
14 operationally it was just one. It created a
15 problem for us.

16 Q Well, wasn't -- one of the problems that
17 you didn't mention was the fact that people
18 weren't being timely released; is that fair?

19 MR. HORTON: Object to the form.

20 MR. CRADDOCK: Object to form.

21 THE WITNESS: That would not be a -- it
22 was a jail problem for us dealing with releasing
23 individuals because there was a problem on the
24 front-end dealing with us getting information from

1 the courts as the person's going to court.

2 So, yes, we had problems with not
3 only releasing individuals, we had problems
4 getting people to court.

5 BY MR. WATSON:

6 Q Right. So -- and one of the other
7 problems was -- for example, people would have
8 their case dismissed, but they were not being
9 timely released, fair?

10 MR. HORTON: Object to the form.

11 THE WITNESS: It -- that -- okay. I
12 would say yes, but that was not necessarily that
13 system. Because situations of that caliber would
14 take place prior to during -- even with JMS.

15 BY MR. WATSON:

16 Q Well, there was certainly an increase in
17 the jail population after the new system was
18 implemented, correct?

19 MR. HORTON: Object to the form.

20 THE WITNESS: Yes. There was always
21 a -- yes. The various law enforcement agencies
22 would have saturations of all calibers, and, yes,
23 we would get larger increases of jail inmates. So
24 yes.

1 BY MR. WATSON:

2 Q Well, did you attribute the increased
3 jail population to the new system or just
4 because the police started arresting more
5 people?

6 A We would have to -- the jail -- the
7 police arresting more people would be the
8 major cause for a jail increase.

9 Q Well, in connection with the computer
10 system -- the new computer system that was
11 adopted and implemented, it's fair to say that
12 people that weren't being timely released, the
13 computer was treating those people all the
14 same, fair enough?

15 MR. HORTON: Object to the form.

16 THE WITNESS: Let me -- let me -- I --

17 BY MR. WATSON:

18 Q That's a yes or no answer.

19 A Yeah. Well, it's --

20 MR. HORTON: He gets to explain it if
21 you'd like.

22 THE WITNESS: It's -- it's really not
23 just a yes or no answer because the jail -- the
24 system not always was the culprit that dealt with

1 release.

2 BY MR. WATSON:

3 Q How do you know that?

4 A Because of the fact that the court clerk
5 has to come down and sign off on a logbook
6 telling us who's to be released on -- on
7 various days.

8 Q Okay. Well, let me show you -- there was
9 an interview that you did with the -- do you
10 recall an interview with a television station
11 about the jail system, the new system?

12 A Maybe.

13 Q Okay.

14 A I don't know.

15 Q Let me do this first, if we can. I'm
16 going to play the videotape so the
17 videographer can get it, and then I'll --
18 we'll play it for you so you can see it as
19 well, and then I'll have some questions about
20 that. Is that okay?

21 MR. CRADDOCK: Where are we going to see
22 it?

23 MR. WATSON: Well, I've got it on my
24 laptop. If you want to sit -- I mean, I've got it

1 here, and he's got it on his laptop.

2 MR. BURNS: When you record it, will
3 it -- I guess it doesn't come up on the screen,
4 does it?

5 THE VIDEOGRAPHER: I was thinking you
6 could just point the laptop towards me and I'll
7 zoom in on the surface of the laptop.

8 MR. BURNS: Okay.

9 THE VIDEOGRAPHER: And, also, if you
10 want to pause it, I can move the camera if you'd
11 like. Will it just be easier to move it out to
12 the side?

13 MR. BURNS: Say when. Are you ready?

14 THE VIDEOGRAPHER: One second, sir.

15 Okay. I'm ready.

16 (Whereupon, the video was played.)

17 BY MR. WATSON:

18 Q Let me show you the video now, and I'll
19 let you watch it.

20 (Whereupon, the video was played.)

21 BY MR. WATSON:

22 Q Now, that was a report that -- or, excuse
23 me, that was an interview you gave to WMC
24 Action News 5; is that correct?

1 A Okay.

2 Q Okay. Let me show you -- I'd like to, if
3 we can, and I'm not sure how we do this, mark
4 the video as Exhibit Number 1. I'll have to
5 get that to the court reporter in a disk,
6 and -- we'll provide that to the court
7 reporter.

8 (Exhibit 1)

9 MR. HORTON: When was the interview
10 done, do you know?

11 MR. WATSON: I'm sorry?

12 MR. HORTON: When was it done?

13 MR. WATSON: The document reflected --
14 or stated it was done on November the 4th, 2016.

15 MR. HORTON: November the --

16 MR. WATSON: November the 4th, 2016.

17 MR. HORTON: The 4th. Okay. Thanks.

18 BY MR. WATSON:

19 Q And I'm going to -- I have a transcript
20 I'll show you that I've typed up of that. I
21 think I've got enough copies for -- well, I
22 don't have enough copies, but I've got copies.

23 (Whereupon, Exhibit 2 was marked.)

24 BY MR. WATSON:

1 Q This is Exhibit Number 2. Can you give
2 Bob a copy so he can --

3 MR. CRADDOCK: I can see.

4 BY MR. WATSON:

5 Q Where's the original? Oh, I'm sorry.
6 Right here. Okay.

7 If you can take a look at Exhibit
8 Number 2, Mr. Moore, this is just simply a
9 transcript of what you just watched, and
10 Mr. Sims says, quote, I know of specific
11 situations in which a defendant's bond has
12 been made and they're still incarcerated days
13 later.

14 Was that a common complaint that you
15 learned about?

16 MR. HORTON: Object to the form.

17 THE WITNESS: That's not something that
18 hadn't happened prior to the system.

19 BY MR. WATSON:

20 Q I -- that's not my question. Was that a
21 common -- is that a common complaint that you
22 received after the new system was adopted and
23 implemented?

24 MR. HORTON: The same objection.

1 THE WITNESS: When you say a common
2 complaint, what would you -- you mean just every
3 day all day or -- I mean, what are you talking
4 about when you say --

5 BY MR. WATSON:

6 Q Do you know what the word common means?

7 A I know exactly what the word common
8 means, but the fact is that if it's one case,
9 21 cases or 220 cases over the course of a
10 day, I don't know how to -- to answer that
11 question to say that -- yes, we had problems
12 with releases.

13 Q I'm going to ask it again, and you can
14 say yes or no. Was --

15 A Okay.

16 Q What Mr. Sims stated, that he had
17 problems with people posting bond and they
18 were incarcerated days later, was that a
19 common complaint that your staff received?

20 MR. HORTON: Object to the form.

21 THE WITNESS: We have heard that
22 complaint before, yes, sir.

23 BY MR. WATSON:

24 Q Okay. And the reporter states, quote,

1 Chief Moore is the Jail Director. He told me
2 it's more than a jail issue, it's a system
3 issue. Did you say that?

4 A Yes, sir. You heard me say that. Yes,
5 sir.

6 Q Okay. So you -- what did you mean by
7 system issue?

8 A Because there was more to late releases
9 than just the system, just that -- just the
10 computers.

11 The attorney, for instance, he would come
12 over and want his -- to know why his person
13 hadn't been released, and his argument was
14 that we, the jail, was holding his person
15 where we would go back and research and the
16 bonding company hadn't brought the bond over
17 to the jail seven hours after they had
18 actually put the money on the account.

19 Q Is that what you meant by system --
20 system issue?

21 A That's part of the system.

22 Q Is that what you meant? Is that your
23 testimony?

24 A That's --

1 MR. HORTON: Objection; argumentative.

2 THE WITNESS: That's the facts. It's
3 not my testimony. You can go and check it now.

4 BY MR. WATSON:

5 Q Well, I mean, Mr. Moore, you're talking
6 about the computer system, aren't you?

7 A No. I think the attorney may have been
8 talking about the computer system. I was
9 talking about the jail operation as a whole
10 and the process that we dealt with.

11 Q Okay. Well, you said, quote, the system
12 was cancelled out a couple of months ago from
13 start-up because we identified that we didn't
14 feel it was ready to go. You said that,
15 right?

16 A I said that.

17 Q Okay. And that was the computer system,
18 right?

19 A We were talking about the computer system
20 at that particular point, yes, and I said
21 exactly what I did.

22 Q Okay. So you thought that you ought to
23 go back -- you, the jail, ought to go back to
24 the old computer system, fair?

1 A Yes.

2 Q Because the new computer system was
3 causing problems, right?

4 A Yes.

5 MR. HORTON: Object to the form.

6 THE WITNESS: Yes, sir.

7 BY MR. WATSON:

8 Q And those problems were not timely
9 releasing prisoners, right? That was one of
10 the problems?

11 MR. HORTON: Object to the form.

12 THE WITNESS: Yes, sir.

13 BY MR. WATSON:

14 Q It was not allowing people to post a
15 bond, right?

16 MR. HORTON: Object to the form.

17 THE WITNESS: No, sir. You know, you --
18 you're putting words -- I -- my statement was
19 about the system in general and not specifics as
20 it relates to it because -- we haven't even talked
21 about the fact that we were dealing with getting
22 people to court on time.

23 BY MR. WATSON:

24 Q Well, that was part of the computer

1 problem, wasn't it?

2 A That was part of the system, yes.

3 Q I understand that, but it was part --

4 I'm not blaming you or your staff.

5 A And I understand that.

6 Q So the -- just to be clear, this was not
7 a -- a human error in the jail system itself,
8 it was a computer issue that went -- that went
9 system-wide, fair enough?

10 A Yes, sir.

11 MR. TRAMMELL: Object to the form.

12 BY MR. WATSON:

13 Q Okay. Now, you also said, quote, we
14 apologize to everyone for our short-sight on
15 dealing with this. Did you say that?

16 A Yes, sir.

17 Q Okay. And what did you mean by
18 short-sight?

19 A Well, you know, we were responsible to
20 the -- to the general public for everything
21 dealing with those individuals within the
22 jail, and the key was that I felt -- and this
23 was my personal feeling as well as
24 professional, I felt that the expectation from

1 the general public or the loved ones from
2 those persons that were in the jail, the jail
3 is dealing with our problem, my problem is my
4 child getting out of jail, I don't want to
5 hear all these other things about why they are
6 not getting out, I want you -- you've got him,
7 you turn him aloose.

8 Well, we couldn't do that. And that's
9 why I was apologizing. I was apologizing
10 because there were other issues dealing with
11 releasing people other than just the system
12 identifying the court saying -- or that
13 particular court saying that he's to be
14 released. There had to be other checks made
15 because he may have had other cases in other
16 courts that he was not to be released on.

17 So we had a number of things that were
18 going on, but Mama didn't want to hear that.

19 Q No, I understand, but -- I get -- I get
20 your point. Here's my question, you said our
21 short-sight on dealing with this. Is that
22 with respect to the new computer system?

23 MR. HORTON: Object to the form.

24 THE WITNESS: Okay. Yes.

1 BY MR. WATSON:

2 Q Okay. Is it fair to say that -- there
3 weren't just complaints from inmates and
4 family members about the new computer system,
5 there were complaints by your staff; is that
6 correct?

7 A Yes, sir.

8 Q And they were complaining that Odyssey
9 was not properly communicating with OMS; is
10 that correct?

11 MR. TRAMMELL: Object to the form.

12 THE WITNESS: Yes, sir. That was a
13 court system -- there were complaints throughout
14 about -- yeah --

15 BY MR. WATSON:

16 Q Do you feel --

17 A -- that the system could mess up.

18 Q -- that someone at the County forced upon
19 your office and your staff this new computer
20 system?

21 MR. HORTON: Object to the form.

22 THE WITNESS: When you say forced -- the
23 County bought it.

24 BY MR. WATSON:

1 Q Well, you didn't believe that they should
2 have bought it, right?

3 MR. HORTON: Object to the form.

4 THE WITNESS: Well, I don't even know
5 when they bought it.

6 BY MR. WATSON:

7 Q I'm sorry?

8 A I don't know when they bought it.

9 Q Well, I understand, but you were part of
10 a committee on whether they should implement
11 this, right?

12 A Implementation, yes, but, when they
13 bought it, that was prior to implementation.

14 Q Okay. But asking now -- now that you're
15 sitting here do you believe that this is a
16 system that should have been acquired by the
17 County?

18 MR. HORTON: Object to the form.

19 MR. CRADDOCK: Object to the form.

20 THE WITNESS: I think a lot of the flaws
21 now, from my understanding of the system now, have
22 been resolved to some degree, so based on the
23 operating -- the operating of the system at the
24 beginning, yes, we had some problems, and we

1 identified to the fact that we thought we should
2 hold up as far as implementing it.

3 BY MR. WATSON:

4 Q Okay.

5 A Because there were problems in it.

6 Q When -- you indicated in your statement
7 here that you thought it was, quote, cancelled
8 out. Did you mean abandoned? What did you
9 mean by cancelled out? I'm --

10 A I don't -- you'd have to -- what
11 statement that says I'm canceling --

12 Q Well, you --

13 MR. CRADDOCK: Let me object on this
14 basis. I -- we do have a bifurcation Order on
15 discovery, and I cannot fathom how this has
16 anything to do with class certification. We've
17 given you a lot of latitude, but can you explain
18 to me how --

19 MR. BURNS: Will the County stipulate
20 that there's commonality, we've established that
21 it's a common problem? If not, then these are
22 completely appropriate.

23 MR. CRADDOCK: We're not stipulating
24 anything. I'm just asking how you relate this to

1 class certification issues.

2 MR. BURNS: It goes to commonality.

3 MR. WATSON: It goes to commonality.

4 BY MR. WATSON:

5 Q So, Mr. Moore, the statement you stated
6 was, quote, the system was cancelled out a
7 couple of months ago from start-up because we
8 identified we didn't feel it was ready to go.

9 Do you see that? That's your statement there?

10 A The system was cancelled out a couple of
11 months ago from start-up because we identified
12 that we didn't feel it was ready to go.

13 Q Right. Do you see that statement?

14 A Okay. Now, when -- when I say cancelled
15 out, there were times -- there were other
16 start-up dates that we had dealt with that we
17 didn't start up.

18 Q Right. I get it.

19 A That's the cancelled out.

20 Q Okay. So, in other words, you thought --
21 you thought that -- that the new system
22 wouldn't come online until later after other
23 kinks had been worked out; is that fair?

24 A Well -- no. We didn't come online

1 earlier because of the fact that we didn't
2 feel that we were ready to start up.

3 Q Okay.

4 A So it's not what we're going to do. This
5 is what we've already done.

6 Q Okay.

7 MR. CRADDOCK: Mr. -- I'll -- we're
8 going to take a break when you complete this area
9 of question -- when you're through with this
10 question because I want to confer with defense
11 counsel.

12 I think you've gone way beyond class
13 certification discovery, and -- so I want to
14 take a break and discuss it with defense
15 counsel, but I'm not going to interrupt you on
16 this question.

17 MR. WATSON: Okay. All right.

18 MR. CRADDOCK: Are you through with that
19 question?

20 MR. WATSON: Yeah, I'm through with that
21 exhibit.

22 MR. CRADDOCK: Okay.

23 MR. WATSON: Are we going -- you want to
24 take a break?

1 MR. CRADDOCK: Yeah.

2 MR. WATSON: All right. I guess we're
3 going off the record at 10:19.

4 THE VIDEOGRAPHER: We're off the record
5 at 10:19.

6 (Recess.)

7 THE VIDEOGRAPHER: We're back on the
8 record at 10:34 a.m.

9 MR. CRADDOCK: Before we start back, let
10 me say we adjourned because I'm very concerned
11 that you're violating the -- Judge Mays' Order
12 bifurcating discovery. I mean, the Order clearly
13 provides for bifurcation between merits and class
14 discovery.

15 I recognize Tu Pham's statements
16 that there's sometimes not clarity as when
17 you're -- when it's merits and when it's
18 class, and that's the reason we gave you
19 significant latitude at the commencement of
20 this deposition, but some of the questions
21 you've asked clearly are exclusively
22 merits-based discovery.

23 So I -- I would request that we
24 defer the merits-based discovery until there's

1 been a ruling by Judge Mays on your issue to
2 do away with bifurcated discovery because I
3 think we're violating that Order right now,
4 which is still in effect.

5 I would request that you agree to
6 defer those questions until we can get an
7 audience with The Court. Would you agree to
8 do that?

9 MR. WATSON: Well, we don't believe
10 we're violating The Court's Order. We believe
11 this goes to commonality as to the computer system
12 that was in effect and that was adopted as the
13 witness has testified to.

14 So I -- all we can do is ask
15 questions, and you can make an objection, and
16 if you feel like we've overstepped, you'll
17 have to file -- you know, you'll have to tell
18 the witness not to answer. You'll do that, of
19 course, at your own risk, but -- but we need
20 to move forward, so --

21 MR. CRADDOCK: Well, the other -- the
22 other option is to adjourn the deposition and
23 approach Judge Tu Pham, but we don't want to do
24 that because we want to let you have your

1 class-based discovery. That's the reason I'm
2 suggesting that you try to stick to class-based
3 discovery.

4 MR. BURNS: But that is the problem. I
5 understand where you're coming from, but that's
6 the problem, we have a disagreement on what is
7 class discovery that we can only have a Court
8 resolve. I mean, so --

9 MR. CRADDOCK: Well, we could -- but an
10 option is to adjourn until we get that resolved.
11 We don't want to do that.

12 MR. WATSON: No, I get it.

13 MR. CRADDOCK: We don't want to obstruct
14 or in any way slow down your discovery, but we
15 don't want to violate Judge -- it's actually Judge
16 Mays' Order. We don't want to violate that, so --

17 MR. WATSON: We'll have to challenge
18 that it's -- we certainly -- you certainly can go
19 to Magistrate Pham. The problem he will have, and
20 I know this because he's had it in the past, is
21 he'll ask, well, what are the questions going to
22 be, I can't just rule generically X, Y and Z? And
23 that's the difficulty for him, and I know it's the
24 difficulty for you.

1 So I think we just need to ask the
2 questions, get an objection, if there is, and
3 move on. That's all I think we can do.

4 MR. CRADDOCK: Well, what we're going to
5 do -- we're certainly not going to instruct him
6 not to answer. What we're going to do is we're
7 going to object when we believe a question is
8 violative of Judge Mays' Order, and we're going to
9 reserve all objections in regard to that, and we
10 will decide, as this deposition goes along,
11 whether we think we're getting so far beyond the
12 parameters of Judge Mays' Orders that we need
13 instruction. So that's the way --

14 MR. WATSON: Okay.

15 MR. CRADDOCK: -- we'll proceed.

16 MR. WATSON: I understand if that's the
17 way you want to do it.

18 BY MR. WATSON:

19 Q Mr. Moore, in preparation for your
20 deposition today, did you review any
21 documents?

22 A No, sir.

23 Q Okay. Did you meet with your lawyers at
24 all?

1 A Yes, sir.

2 Q When did you meet with your lawyers?

3 A Monday -- Tuesday. Monday. This past --
4 yeah, Monday.

5 Q Okay. Did you review any documents when
6 you met with your lawyers?

7 A I didn't review any documents. They may
8 have had some, but I didn't review them.

9 Q You didn't look at anything?

10 A No, sir.

11 Q Okay. Good enough. And how long did you
12 meet with your lawyers?

13 A Several hours.

14 Q Several hours. Like four or five hours,
15 six hours?

16 A We started at, like, 9:30 in the morning
17 and -- 9:00 in the morning, and I was out
18 somewhere around noon or a little before.

19 Q Okay.

20 A A little after or a little before.

21 Q Let me show you what we'll mark as
22 Exhibit Number 3. There's a copy.

23 (Whereupon, Exhibit 3 was marked.)

24 MR. McLAREN: Give the Bates number.

1 MR. WATSON: Yeah, this is -- I'm sorry.

2 The Bates number on this is SC 491127 and 1128.

3 BY MR. WATSON:

4 Q Mr. Moore, this is a string of e-mails
5 that was produced by Shelby County, and the
6 first e-mail I'm going to direct your
7 attention to is from Alan Lee to Steve Leech
8 and to you, Robert Moore; is that correct?

9 A Yes, sir.

10 Q Okay. And the date's November 11, 2016;
11 is that correct?

12 A Yes, sir.

13 Q Now -- do you know Alan Lee?

14 A No, sir.

15 Q Okay. And -- do you know what the AFSCME
16 is?

17 A No, sir.

18 Q Let me help you out. Is that -- does it
19 ring a bell to you that that is the American
20 Federation of State, County and Municipal
21 Employees?

22 A The union. Okay. Yes, sir.

23 Q Right. Are you a member -- or were you a
24 member of that union?

1 A I was a member of it when I was --

2 Q Jail --

3 A -- an officer.

4 Q Okay.

5 A But --

6 Q Were you a member when you were Jail
7 Director?

8 A No, sir.

9 Q Okay. So you have, in the past, been a
10 member of the AFSCME; is that correct?

11 A Yes, sir.

12 Q Okay. And -- help me out just quickly,
13 who is Steve Leech?

14 A He's the CEO.

15 Q The CEO of what?

16 A For the sheriff.

17 Q Chief Executive Officer of the sheriff?

18 A Yeah, yeah.

19 Q Who does he report to?

20 A The sheriff.

21 Q Okay. Who did you report to as Chief
22 Jailer?

23 A The sheriff.

24 Q Okay. Who reported to you?

1 A Everyone that worked in the jail.

2 Q Okay. From the line staff on up?

3 A All the way up.

4 Q Okay. And -- so Mr. Leech did not report
5 to you at all?

6 A No, sir.

7 Q What were his duties and responsibilities
8 as CEO that were different than yours?

9 A I -- you'll probably have to ask him --

10 Q Okay.

11 A -- what his duties are.

12 Q Do you know what he did?

13 A Well, he was the person -- he was the
14 individual who reported to the sheriff dealing
15 with all financial areas -- financial issues
16 dealing with the sheriff's office.

17 Q Okay.

18 A So...

19 Q Okay. You -- you ran the jail for the
20 sheriff, and he ran the finances; is that
21 fair?

22 A Yes, for the sheriff's office.

23 Q Okay. Got it. Okay.

24 Well, this e-mail -- and -- let me

1 just -- I'll read it into the record. He
2 says, quote, Dear Mr. Leech and Chief Moore,
3 there appears to be an emerging, urgent and
4 immediate issue impacting the jail operations
5 as well as the safety and security of the
6 officers and inmates. My office has been
7 inundated with calls and complaints regarding
8 the apparent failed launch of a new jail
9 operation -- new jail operation computer
10 system. As a result of this glitch and no
11 known backup plan, inmates are being held
12 longer than the statutory time allowed, and
13 visitation with legal counsel, as well as
14 families, are being delayed and/or denied due
15 to the system's inability to locate inmates.
16 This system's failure has also impacted the
17 required medical treatment of inmates.
18 Embarrassingly, officers have sometimes had to
19 resort to asking inmates the location of other
20 inmates, close quote.

21 Now, the statement he made there, did you
22 find that to be true with the implementation
23 of the new computer system?

24 MR. HORTON: I'm going to object to the

1 form. And, once again, we think this is beyond
2 the scope of discovery.

3 THE WITNESS: When I look at this
4 document --

5 BY MR. WATSON:

6 Q I'm simply asking you, in that first
7 paragraph, did you find that to be true when
8 you -- with respect to the new computer
9 system?

10 MR. HORTON: Object to the form.

11 THE WITNESS: Yes.

12 BY MR. WATSON:

13 Q Okay. And, in the next paragraph, he
14 states, quote, inconveniences and
15 embarrassment aside, this recent failure has
16 created an emergency and unsafe environment
17 for both our jailers and inmates. On November
18 9, 2016, there was a major inmate disturbance
19 in the intake area. There are growing
20 frustrations and tension by inmate who know
21 their bond is posted, yet their release is
22 denied, denial of family visits, denial of
23 access to legal counsel, as well as inmates
24 who know they have satisfied the terms of

1 their incarceration, yet they're not being
2 released. Their frustration is reaching a
3 boiling point, close quote.

4 Again, did you find that true in
5 connection with the adoption of the new
6 system?

7 MR. HORTON: Object to the form.

8 THE WITNESS: I don't know --

9 MR. HORTON: Go ahead.

10 THE WITNESS: I don't know of any major
11 incident -- disturbance that took place in the
12 jail --

13 BY MR. WATSON:

14 Q Okay.

15 A -- in November.

16 Q Well, with that one exception, did you
17 find what he was stating to be accurate?

18 MR. TRAMMELL: Object to the form.

19 THE WITNESS: Okay. I -- yeah, there
20 was frustration. There was frustration from me
21 dealing --

22 BY MR. WATSON:

23 Q No, I get it.

24 A -- with various issues, but yes -- I'll

1 say yes.

2 Q Right. I mean, there were growing
3 frustrations concerning people that had posted
4 bond and weren't getting out, correct?

5 MR. HORTON: Object to the form.

6 THE WITNESS: Yes.

7 BY MR. WATSON:

8 Q Okay. And there was growing frustration
9 about people not being -- having legal access
10 to counsel, right?

11 MR. HORTON: Object to the form.

12 THE WITNESS: Now, I don't -- when you
13 say having access to legal counsel, what do you
14 mean?

15 BY MR. WATSON:

16 Q Well, whatever he says here. He sent
17 this e-mail to you.

18 A Well, I -- I don't ever remember reading
19 this e-mail, but -- or ever seeing it, but
20 Mr. Lee -- being one of the union officials,
21 Mr. Lee, he was -- to be perfectly honest with
22 you, I can't remember him coming in the jail
23 over twice during his small tenure being the
24 AFSCME director.

1 Q Right.

2 A So what he's --

3 Q Well, I appreciate that, but --

4 MR. HORTON: Let him finish answering
5 the question.

6 MR. WATSON: I'm not asking about
7 whether he came to the jail.

8 MR. HORTON: Well, but you -- you've
9 asked him to explain -- he has a right to explain
10 his answer.

11 THE WITNESS: So the information that
12 I'm -- this letter that I'm reading here,
13 Mr. Leech may have seen it, but I don't ever re --
14 recall seeing this letter.

15 BY MR. WATSON:

16 Q Okay. But you don't deny getting this
17 e-mail, correct?

18 A That's what I'm telling you. I don't --
19 I don't recall ever reading this e-mail.

20 Q Okay. Is your e-mail Robert.Moore@Shelby
21 County-Sheriff.org?

22 A I absolutely see that at the very top.

23 Q Is that your e-mail, though?

24 A It says from me. That says from me.

1 Q Right. Well, we'll get to that in a
2 minute.

3 Here's -- here's my question --

4 A Okay.

5 Q -- whether you remember getting this
6 e-mail or not that there were -- there were
7 inmates who had satisfied the terms of their
8 incarceration that were not being released?

9 That was, again, a frustration and a
10 complaint, right?

11 A Yes, sir.

12 MR. HORTON: Object to the form.

13 BY MR. WATSON:

14 Q Okay. If you'll look down on the last --
15 the third par -- or the next paragraph, he
16 states, quote, this issue is exacerbated by
17 prolonged staff shortages and command staff's
18 refusal to assign sufficient officers to
19 maintain the custody, care and control of the
20 jails.

21 The next sentence I really want to focus
22 on, and that is, quote, many of the officers
23 are not able to log into the system nor has
24 sufficient training been provided on the new

1 system. Did you find that to be true?

2 MR. HORTON: Object to the form.

3 BY MR. WATSON:

4 Q It states --

5 A Okay. Many of the officers are not being
6 able to log into the system and -- nor has
7 sufficient training been provided on the new
8 system. Yes.

9 Q Okay. He finally indicates, quote, I
10 have declined inquiries from the press and
11 have advised our local leadership to do the
12 same. However, I urge the command staff to
13 meet with our local leaders to update them on
14 this matter, as well as hear their concerns
15 and ideas on resolution. I proposed the
16 parties meet on November 16th. Please advise
17 of your availability and interest in such a
18 meeting. And -- so you see that; is that
19 correct?

20 A Yes, sir.

21 Q Okay. Now, you responded to -- let me
22 back up. This e-mail that Mr. Lee sent, on
23 November 11, is also sent to -- or CC'd to a
24 lady named Kim Koratsky. Do you see that?

1 It's on the very front page. I'm sorry,
2 Mr. Moore.

3 MR. CRADDOCK: That's not a lady. It's
4 Kim Koratsky.

5 THE WITNESS: That's Koratsky. That
6 was --

7 MR. WATSON: I didn't say it was a lady.
8 I just --

9 THE WITNESS: -- the County Attorney.

10 BY MR. WATSON:

11 Q Kim Koratsky?

12 A Koratsky.

13 MR. WHITWELL: Koratsky.

14 BY MR. WATSON:

15 Q Okay. However you want to say it, who is
16 that person?

17 A He's a County Attorney.

18 Q Oh, okay. A County -- is he a prosecutor
19 or a defense lawyer, do you know?

20 A Well, I can only tell you he's a County
21 Attorney. I -- you know...

22 Q Okay. Does he work with Mr. Whitwell?

23 MR. CRADDOCK: Well, on that, we object
24 on the basis of privilege.

1 MR. WATSON: Did the County represent
2 Mr. Leech?

3 MR. CRADDOCK: The County --
4 Mr. Koratsky is a County Attorney.

5 MR. WATSON: Great. But did they
6 represent --

7 MR. CRADDOCK: I'm just objecting. I'm
8 trying to --

9 MR. WATSON: Okay. Well, that's a silly
10 objection.

11 BY MR. WATSON:

12 Q Mr. Moore, then you e-mailed back, on
13 November 15, 2016, quote, I think this
14 e-mail -- this meeting should wait until after
15 the meeting today. I'm open to do whatever we
16 do.

17 So you did not want to meet with Mr. Lee;
18 is that fair?

19 MR. HORTON: Well, I think -- at this
20 point in time, I think I do have to object to it
21 being privileged because he's -- he's e-mailing
22 Kim Koratsky, who is a County Attorney, and I
23 think, under the terms of our agreement, we have a
24 clawback. So I'm requesting that that portion of

1 the e-mail be clawed back.

2 BY MR. WATSON:

3 Q Okay. Let me inquire whether --

4 Mr. Moore, do you see here, in the e-mail you
5 sent, you CC'd Steve Leech? Do you see that
6 on the top of the page?

7 A Okay.

8 Q Okay. Mr. Leech didn't -- and you
9 CC'd --

10 A Debra --

11 Q -- Debra Fessenden; is that right?

12 A Yeah.

13 Q Okay. Were you seeking any legal advice
14 in this e-mail?

15 MR. HORTON: It doesn't really matter
16 whether he's seeking legal advice --

17 MR. WATSON: Well, yeah, it does.

18 MR. HORTON: -- because he's actually
19 e-mailing to County -- a County Attorney. It's my
20 understanding that Ms. Fessenden is a lawyer in
21 the sheriff's department.

22 MR. WATSON: Okay.

23 THE WITNESS: She's a legal advisor.

24 MR. WATSON: Well, just because a lawyer

1 gets CC'd on a document, Mr. Horton, doesn't mean
2 it's privileged. There must be 30 cases that say
3 that.

4 MR. HORTON: Well, but --

5 MR. WATSON: If you want me to give them
6 to you I will.

7 MR. HORTON: Well --

8 MR. CRADDOCK: We're just objecting on
9 the basis of privilege. That's all. I --

10 MR. WATSON: Okay. All right.

11 MR. CRADDOCK: We're not going to rule
12 on it right now.

13 MR. WATSON: Okay. All right.

14 BY MR. WATSON:

15 Q Do you know what Mr. Koratsky does at the
16 County?

17 A No, sir. I just know he's a County
18 Attorney.

19 Q Okay. I guess my question is why -- why
20 did you say you didn't want to meet -- or
21 wanted to wait -- strike that.

22 You indicated there was a meeting, quote,
23 today on November 15th. Do you -- what kind
24 of meeting was that?

1 A I have no idea.

2 Q Okay. All right. Let me show you what
3 we'll mark as Exhibit Number 4 to your
4 deposition.

5 (Whereupon, Exhibit 4 was marked.)

6 MR. HORTON: So was this 3?

7 MR. CRADDOCK: Did you mark this last
8 one 3?

9 MR. WATSON: Yes, sir, it's 3.

10 MR. CRADDOCK: Okay.

11 MR. BUNDREN: Mr. Watson, could you give
12 the Bates number for Exhibit 4, please?

13 MR. WATSON: Yeah, sure. Exhibit 4 is
14 SC 436116 through 17. It's just a two-page
15 document.

16 THE COURT REPORTER: Would you ask
17 them to identify themselves on the phone?
18 Because I don't know who's speaking.

19 MR. WATSON: Was that Mr. Bundren?

20 MR. CRADDOCK: It was. Yes.

21 MR. BUNDREN: Yes, sir. I'll announce
22 myself next time. Thank you.

23 MR. WATSON: Thank you.

24 THE COURT REPORTER: Thank you.

1 BY MR. WATSON:

2 Q Okay. Mr. Moore, this is a -- if you'll
3 start there in the middle, there's a November
4 9, 2016 e-mail --

5 A We're on Exhibit 4?

6 Q Yes, Exhibit 4, right there --

7 A Okay.

8 Q -- on the very first page.

9 A Okay.

10 Q Take a look at Chris -- first of all, who
11 is Chris Floyd, do you know?

12 A Chris Floyd, at that time, was the -- she
13 was the jail analysis person who dealt with
14 numbers and reported directly to the sheriff
15 and to Steve Leech.

16 Q So -- you say numbers. Like how many
17 people are in jail?

18 A Yes, how many persons were in jail. She
19 directly dealt with the courts and -- she had
20 a number of jobs.

21 Q How many people had been arrested,
22 incarcerated, that kind of thing?

23 A She had records of that kind of
24 information.

1 Q Okay. How many people would be released
2 in a particular day?

3 A I don't know if she dealt with release at
4 all, but I know she dealt with --

5 Q Well, I think she did. Let's take a look
6 at the document.

7 This is an e-mail dated November 9, 2016
8 from Chris Floyd to you; is that correct?

9 A Well, it's to me and several others, but,
10 yes, I'm on this e-mail.

11 Q Okay. You're the first person on the
12 list; is that fair?

13 A Okay.

14 Q Okay. And -- it's also to Charline
15 McGhee. She's a defendant in this case; is
16 that correct?

17 A I don't know.

18 Q Okay. What did -- what did Charline
19 McGhee do with the County?

20 A She was the Chief of Security.

21 Q Did she report to you?

22 A Yes.

23 Q And then we have Shawna Webb at the
24 County. What did she do?

1 A She's the director for our intake and
2 processing area.

3 Q In the -- in the jail?

4 A Yes.

5 Q Okay. Did she report to you?

6 A Well, she reported to Chief McGhee, but
7 all of them reported to me.

8 Q Okay. And then, finally, we have Steve
9 Leech, and you indicated he was the CEO?

10 A Yeah.

11 Q Okay.

12 A They all reported to me.

13 Q Okay. The subject line is, quote,
14 Building Disaster, close quote. Do you know
15 what that means?

16 A I have no idea.

17 Q Okay. The state -- she states to you,
18 quote, can you please review Jack Green's
19 e-mail below? The Public Defender's office
20 brings up some concerns about inmates not
21 being brought to court, inmates with disposed
22 cases not released and inmates who are, quote,
23 lost in the system. Do you see that?

24 A Yes.

1 Q Okay. And then you responded up top, if
2 you -- a few hours later you responded to
3 Chris, quote, Chris, yes, there are a large
4 number of problems concerning the system, but
5 through hard-working personnel like Ms. Webb
6 and her staff, we are doing the very best we
7 can. The problem we find are system problems
8 that most of the staff do not understand and
9 cannot begin to correct until GTL gets
10 involved or our own IT personnel. Yes,
11 sometimes it takes a time to find some
12 inmates, but there is no one lost within the
13 jail, close quote.

14 So that's what you responded to Chris
15 Floyd; is that correct?

16 A Okay.

17 Q And -- and you indicated there were a
18 large number of problems concerning the
19 system. You meant the computer system; is
20 that fair?

21 MR. HORTON: Object to the form.

22 MR. TRAMMELL: Object to the form.

23 THE WITNESS: Okay. Yes, sir.

24 BY MR. WATSON:

1 Q And -- so the -- one of the large
2 problems were inmates not being brought to
3 court, correct?

4 MR. HORTON: Object to the form.

5 THE WITNESS: That was a problem, yes,
6 sir, one of the problems.

7 BY MR. WATSON:

8 Q And inmates with disposed cases still not
9 being released, that was another problem,
10 right?

11 MR. HORTON: Object to the form.

12 THE WITNESS: That was not a problem for
13 the jail. That was a problem for the courts. We
14 don't have anything to do with their cases.

15 BY MR. WATSON:

16 Q Well, I'm not trying to shift blame to
17 the jail. I'm just saying --

18 A No, I'm --

19 Q -- the computer problem that -- that the
20 courts weren't being -- letting people get
21 released; is that fair?

22 MR. TRAMMELL: Object to the form.

23 MR. HORTON: Object to the form.

24 THE WITNESS: Well -- I don't think you

1 understand the jail's role. We are dealing with a
2 system, and the system -- the OMS system is the
3 only thing that the jail is operating under.

4 BY MR. WATSON:

5 Q Right.

6 A You spoke about Odyssey, and then I think
7 there's another system, and these systems are
8 supposed to be talking together to ensure that
9 an individual's case process is processed
10 properly.

11 If the other two systems is not telling
12 the OMS system, which is the jail system --
13 the only thing that the jail is operating
14 under as it relates to this, if we're not
15 getting what we need in order to address that
16 particular case, and we're talking about
17 thousands of that particular case, then we've
18 got a problem. Now --

19 Q There's nothing you can do?

20 MR. HORTON: Wait. Let him finish
21 answering the question.

22 THE WITNESS: Now, what we will do is
23 dealing with that particular problem, or those
24 particular problems, we will refer to everybody

1 and anybody who has the attitude or the
2 information that they can deal with these other
3 entities.

4 We can't go out of the jail and go
5 and try talking to all of these people, so
6 we're talking to persons who have the ability
7 to do these things and meet these folks and
8 talk to them about it.

9 Now, there are times that we met.
10 When I say we, I'm talking about all of the
11 entities. We've met on various times, and we
12 talked about those problems -- or these
13 problems that we have, and they'll talk about
14 the problems that they've got.

15 So what we're trying to do is to
16 help work ourselves through a problem that we
17 all have identified, but none of us can fix it
18 because of the fact that all three of us are
19 working in three different -- or four
20 different elements as relates to this.

21 So, when you ask me about talking to
22 -- to Chris, Chris had the movement that she
23 could deal not only with the courts, but she
24 dealt with the DA's office, she dealt with the

1 attorneys, she dealt with, you know, a lot of
2 entities.

3 So, in this case, we -- she may have
4 been talking about one issue, and what we were
5 dealing with was trying to get something
6 resolved, and there may have been some names
7 in this particular situation. I don't know.
8 But -- you know, you may have to ask her
9 because she'll have to go back and research
10 it.

11 BY MR. WATSON:

12 Q Well -- right. What she identified was
13 not just any-ole issue but issues, quote,
14 about inmates not being brought to court,
15 inmates not -- with disposed cases still not
16 released and inmates who are lost in the
17 system. Those were the complaints that she
18 was telling you she was getting, fair enough?

19 A Right.

20 Q And you were -- that was attributable to
21 this lack of communication or inability to
22 communicate from one computer system to
23 another in this new system, fair enough?

24 A That's fair.

1 Q Okay.

2 MR. HORTON: Object to the form.

3 MR. TRAMMELL: Object to the form.

4 THE WITNESS: But I want you to really
5 address something else because you used a term
6 that I really didn't -- I don't -- and I'll be
7 honest with you, I don't like it because it's not
8 true.

9 She used the same term you just got
10 through using, that an inmate was lost in the
11 system. The inmate is not lost.

12 BY MR. WATSON:

13 Q Yeah, you say that here.

14 A Okay. Now --

15 Q What do you mean -- I mean, they're --
16 they're in the -- they're in the jail
17 somewhere; is that fair?

18 A Well, they're absolutely in the jail, and
19 I can -- we could probably -- we could go and
20 find that inmate because of the fact that, you
21 know, we're dealing with over -- over a
22 hundred different pods with at least 40 to 50
23 persons in a particular pod, and we had count
24 systems, and we had backup systems that we

1 would deal with as far as finding individuals.

2 So we had no one lost. What we had was
3 we had problems identifying various issues
4 dealing with those inmates getting either to
5 court or wherever.

6 Q Well, let me break that down. So, when
7 she talks about lost, you're saying, well,
8 ultimately we could find that person --

9 A Yeah.

10 Q -- right? Okay.

11 A The person was not lost.

12 Q Was it fair to say she was saying that
13 computer-wise they are lost?

14 MR. HORTON: Object to the form.

15 THE WITNESS: I don't know what she was
16 saying. That's the reason I answered her the way
17 that I did.

18 BY MR. WATSON:

19 Q Okay. But, again, the new com -- what
20 you're saying here is, look, that -- if
21 Odyssey, the court's system, the court's
22 software, doesn't tell the jail, that is the
23 OMS system, that a person has served their
24 time, then you don't -- you, as the Jail

1 Director, don't know that they've served their
2 time, that's not your fault?

3 MR. TRAMMELL: Object to the form.

4 MR. HORTON: Object to the form.

5 BY MR. WATSON:

6 Q Is that correct?

7 A Yes. I -- I can -- that's a simple way
8 of putting it. Because there was -- there
9 were other ways that we identified the persons
10 being released from jail, and it had nothing
11 to do with the jail as it relates to the
12 system because the court clerk would come down
13 and sign off on people being released.

14 Q Well, the idea of this new system was you
15 didn't have to rely upon anything other than
16 the system to reflect the status of an inmate,
17 fair enough?

18 MR. HORTON: Object to the form.

19 THE WITNESS: I -- I don't think that
20 was -- that may have been a far-reaching plan, but
21 that never happened. And I don't know if it's
22 still not -- I think the clerk still comes down to
23 sign off on that.

24 BY MR. WATSON:

1 Q Well, I mean, because there were problems
2 with this new computer system, the -- the jail
3 and the courts had to resort to actual
4 handwritten documents; is that fair?

5 A Yes. The jail and the courts have always
6 dealt with -- even with JMS, even before, so
7 that -- and they still do.

8 Q Okay. But no question that because of
9 the problems here there was a lot of
10 handwritten information that wasn't happening
11 before, fair enough?

12 MR. TRAMMELL: Object to the form.

13 MR. HORTON: Object to the form.

14 THE WITNESS: When you say a lot of
15 information that was not happening before, I don't
16 know what you mean now. Because we were dealing
17 with handwritten documents before OMS came aboard,
18 and all during my tenure, while we were still
19 dealing with OMS, we still dealt with handwritten
20 documents because that's a form of backup.

21 BY MR. WATSON:

22 Q Okay. Back to the computer system,
23 again, if the Odyssey system wasn't
24 effectively communicating to OMS if someone

1 had posted a bond, then the sheriff -- the
2 jail system wouldn't know that; is that fair?

3 MR. TRAMMELL: Object to the form.

4 THE WITNESS: Yes -- no, sir. The jail
5 system had -- the jail system in any -- we did not
6 deal with bonds.

7 BY MR. WATSON:

8 Q Well, I'm not asking you whether you
9 dealt with bonds. My question is --

10 A Well, we have to deal with them based on
11 what you just said. We don't deal with bonds.

12 That's --

13 Q So if someone posts a bond you don't let
14 people out of jail?

15 A Well, that has nothing to do with --

16 MR. HORTON: Don't mischaracterize his
17 testimony. Let him answer.

18 THE WITNESS: We've got -- pre-trial
19 deals with bonds.

20 BY MR. WATSON:

21 Q Okay.

22 A There is a -- a process that they deal
23 with, and pre-trial is in the intake area.
24 There's an area that we have set aside for

1 pre-trial in the jail in the intake area, but
2 then there's a pre-trial process outside of
3 the jail in the release area of the jail.
4 Bonds are handled directly by -- with
5 pre-trial.

6 Q Okay.

7 A And what pre-trial do is, if they get a
8 bond, there's a window that they will bring us
9 a copy of their signing off on a bond and says
10 that this person is to be released.

11 If we don't get that document -- and it's
12 dated, and it's timed. If we don't get that
13 document, no, he's not going to be released.

14 Q Okay. Well, Chris Floyd, in Exhibit
15 Number 4, is attributing problems with people
16 whose cases have been disposed of that they're
17 not being released, and you understood that
18 was a computer problem, fair enough?

19 A Yes.

20 Q Okay. And you also understood that there
21 were times -- I mean, there are times where
22 people get arrested and there's a preset bond
23 for that charge, fair enough?

24 A Right.

1 Q Okay. And there was also a problem with
2 the computer system reflecting whether someone
3 had a preset bond, fair enough?

4 A Okay.

5 Q I'm asking you. Is that fair?

6 A Well --

7 Q Did you experience that?

8 A Even if it was a preset bond from the
9 courts, the court clerk's office has got to
10 tell us that that person is to be released.
11 And it's not necessarily through the computer.

12 They're going to come down twice a day
13 and they're going to sign off on our logs
14 telling us who is -- are to be released based
15 on the various courts. That's the court
16 clerk's office, and that was the process. And
17 it did not change.

18 Q Okay. Well -- but your computer wasn't
19 reflecting people had a preset bond, fair
20 enough?

21 A Fair enough.

22 Q Okay.

23 (Whereupon, Exhibit 5 was marked.)

24 BY MR. WATSON:

1 Q Let me show you what we've marked Exhibit
2 Number 5 to your deposition. And Exhibit 5 is
3 a follow-up to --

4 MR. McLAREN: Frank, they're going to
5 want to know the Bates stamp.

6 MR. WATSON: Oh, I'm sorry. Exhibit 5
7 is SC -- SC 272747 through 48. It's a two-page
8 document.

9 BY MR. WATSON:

10 Q Mr. Moore, this is a follow-up e-mail
11 after your November the 9th e-mail. There's
12 an e-mail back from Chris Floyd that says
13 thanks for your response. And then Chris --
14 or then Steve Leech e-mails to you and to
15 Chris Floyd and Charline McGhee and Shawna
16 Webb, again the subject's Building Disaster.
17 Do you see that?

18 A Yes.

19 Q And he says, quote, Chris, yes, there are
20 problems with the changeover to the new
21 system. There have been problems with
22 judicial, pre-trial, warrants, bonds, et
23 cetera, close quote. Do you see that?

24 A Okay.

1 Q So it's fair to say that Mr. Leech is
2 attributing problems with judicial, pre-trial,
3 warrants, bonds, et cetera to the new system;
4 is that fair?

5 MR. HORTON: Object to the form. I
6 don't know how he can testify what he thinks.

7 BY MR. WATSON:

8 Q Every question I'm going to ask you,
9 Mr. Moore, is to what you think.

10 A Okay.

11 Q Do you agree with that?

12 A Okay.

13 Q Now, he goes on to say, in addition, MPD
14 decided to do a saturation at the same time.
15 We notified MPD of our system change. They
16 ignored it and arrested many misdemeanors on a
17 several day saturation operation. Chief
18 Bonner is calling Rallings to see if he can
19 hold off for a couple of weeks. The intake
20 area is quite busy with being able to house
21 the increase, but they are doing an excellent
22 job under the circumstances. I would suggest
23 that you should have been part of the
24 changeover rather than someone looking at it

1 from afar, close quote.

2 So Mr. Leech is indicating that someone
3 from -- strike that. Who is Chief Bonner?

4 A He's now the sheriff.

5 Q Well, I understand that, but who was he
6 then?

7 A He was the Chief Deputy.

8 Q Of the jail?

9 A For the sheriff's office.

10 Q Oh, for the sheriff. Okay. All right.
11 So he was going to call Rallings. Who is
12 that?

13 A He was the Director of the Memphis Police
14 Department.

15 Q Okay. So he was going to call
16 Mr. Rallings to hold off. Hold off doing
17 what, do you know?

18 A If they could, some of the saturations
19 that they were dealing with.

20 Q In other words, basically what -- what
21 Mr. Leech, on behalf of the County, was
22 telling --

23 A No, based on -- Mr. Leech was acting on
24 behalf of the sheriff's office.

1 Q Okay. So Mr. Leech, on behalf of the
2 sheriff's office of the County, was -- was
3 indicating that the sheriff's office was going
4 to ask the MPD to stop arresting people
5 because there was a problem with the computer
6 system?

7 A It had nothing to do with arresting
8 people. It was based on them having
9 saturations.

10 There's a difference in arresting people
11 for various charges that they really are
12 supposed to be dealing with, but saturations
13 is that -- if they go out and -- let's just
14 say there's a meeting to say, you know,
15 there's too much -- too many persons on these
16 corners begging or soliciting for funds, and
17 there's an order that, hey, we want to
18 eliminate them, we want to back them up, we
19 want to move them off the streets for a
20 while -- you aren't going to stop them, but
21 you're going to move them off, so we want to
22 get them out of -- so every police officer is
23 instructed to do various things to deal with
24 that particular problem from the police

1 department, not from the sheriff's office.

2 Because the sheriff's officers won't be there.

3 Not from Germantown or not from Collierville,

4 just the Memphis Police Department.

5 Well, them officers will get out and
6 they -- they may arrest 150 people for nothing
7 but being on those corners soliciting. And
8 where do they bring them to? They're going to
9 bring them to the jail.

10 Well, the process is that 97 percent of
11 them will have a hundred dollar bond. And not
12 a one of them can pay the hundred dollar bond,
13 so now we've got a -- until -- for several
14 days we're going to have all of those guys in
15 with the real arrests that are still going on.
16 And they're going on not only in Memphis, but
17 they're going on in all of the other
18 municipalities throughout.

19 Q So, given the problems with the new
20 computer system, what -- the sheriff's office
21 was making a plea to the MPD don't do your
22 saturations and bring a bunch of people down
23 here because we can't handle it; is that fair?

24 MR. HORTON: Object to the form.

1 THE WITNESS: Okay. Yes. At this time.

2 (Whereupon, Exhibit 6 was marked.)

3 BY MR. WATSON:

4 Q Mr. Moore, let me show you what I've
5 marked as Exhibit 6 to your deposition. This
6 is a compilation of documents. The Bates
7 stamp numbers are SC 314214 through 314227.

8 And this is a document that the County
9 produced. It's called Meeting Agenda OMSe
10 Steering Committee. Do you see that?

11 A Yes, sir.

12 Q Now, you were on the steering committee;
13 is that correct?

14 A Yes, sir.

15 Q What was the purpose of the OMS steering
16 committee?

17 A To address the OMS issues as it relates
18 to the various systems that you see identified
19 here, how it worked or how is it going to
20 work.

21 Q Well, I mean, this was a committee that
22 was tasked with -- with ensuring that the OMSe
23 system was ready to go when it went live; is
24 that fair?

1 A We were tasked to address all of the
2 issues in our specific areas dealing with
3 OMSe. We weren't tasked to make sure that
4 everything worked. We were tasked to address
5 our immediate concerns as relates to the
6 system because we didn't have the authority,
7 on the tail end, to deal with one way or the
8 other whether it was going to be implemented
9 or not.

10 Q Who made that decision?

11 A You'll have to ask someone higher than
12 me.

13 Q Beyond your pay grade?

14 A Yes, sir.

15 Q Okay. When did you first learn that the
16 County was going to move to the new computer
17 system?

18 A Oh... That's a hard time for me to tell
19 you because we met in smaller groups dealing
20 with the idea that we were going to get a new
21 system, and that -- that was maybe a year in
22 advance. I mean, you know --

23 Q Okay.

24 A -- so -- so we -- for me to tell you when

1 this -- when this committee was formalized, I
2 think, is probably the key to that. And you
3 would have to talk to IT about that.

4 Q Well, I guess -- did you play any part in
5 the decision to actually acquire what we call
6 the new computer system?

7 A No, sir.

8 Q Okay. That was -- somebody else made
9 that decision. How did you come to get on
10 this OMS steering committee?

11 A Because the system was going to affect
12 the jail in a major -- in a major way.

13 Q Okay. So somebody told you at some
14 point, hey, guess what, whether you like it or
15 not, the jail's getting this OMSe system and
16 you're going to have to work with it; is that
17 fair?

18 A No. No, that's not fair. I don't
19 think -- I don't think that's the way it came
20 about. I think -- the way it came about was
21 that all of the areas that were to be
22 addressed with this new system, there were
23 meetings prior to the system even being
24 brought to us.

1 Q You didn't participate in those?

2 A I may have.

3 Q Okay.

4 A You know, I may have. But -- it was not
5 about me having the knowledge to say, well,
6 no, that's not going to work or that -- this
7 is just talking about a new system. And I can
8 assure you that coming with the new system it
9 was going to do a lot more than what it was
10 finally doing, so...

11 Q Right. The concept behind the new
12 computer system was that the computer system
13 would be able to talk to a number of agencies
14 that the old system couldn't; is that fair?

15 MR. HORTON: Object to the form.

16 THE WITNESS: I don't think that's fair
17 because JMS talked to all of the other systems
18 prior to this, and I -- I think it was going to be
19 a better communications process, not that the old
20 one wasn't doing some form of communication that
21 worked. The OMSe system was going to be better,
22 and I -- that was the -- that was the primary goal
23 for that system.

24 BY MR. WATSON:

1 Q Okay. So you just -- you thought it was
2 going to be better. I guess -- what was your
3 understanding of how it would be better?

4 A Oh, now, you'd have to get an IT person
5 to kind of break that down for you.

6 Q Well, no, I'm talking about your
7 understanding. What was your understanding as
8 to why this would be a better system? I think
9 you may have said communication was better,
10 but I don't know.

11 A Well, I mean, yes, communication is
12 not -- it was not verbal communication, it's
13 system communication.

14 Q Right.

15 A So it was going to be a better process.
16 It was going to work better than what JMS was
17 doing. And they identified some particular
18 points that it would do. I can't tell you
19 what they were now, but...

20 Q Okay. If you can turn to the second to
21 last page in -- if you can turn to the second
22 to last page here. First of all, do you know
23 whose handwriting this is on this document?

24 A No, sir.

1 Q It's not yours?

2 A No, sir.

3 Q Okay. Let me -- you'll see, on the
4 second to last page, which is 314226, there's
5 some handwritten names, Booker, Barber,
6 Lieutenant Ross, Keva, Moten, Hymon, Adair and
7 Webb. Do you see those names?

8 A Yes, sir.

9 Q Who are those folks?

10 A They were supervisors or part of the
11 training -- the training process that was in
12 the jail dealing with this system.

13 Q Now, this is a steer -- this document --
14 this particular document we're looking at
15 reflects an OMSe steering committee meeting.
16 It says issue date July 21, 2016; is that
17 correct?

18 A Uh-huh.

19 Q And are -- those people that are
20 handwritten names there, were they in
21 attendance in that meeting along with you?

22 A Yes, sir.

23 Q Okay. And someone has written, quote,
24 and I'm going to try to read this as best I

1 can, Chief Moore concerned about open
2 something resolved by go live. Okay with
3 delay in going back to commission instead of
4 going live with error and major something
5 release in error. Go public.

6 Did you -- I don't know if I read that
7 correctly or not. It also says, quote, no one
8 understands what the system is supposed to do,
9 close quote.

10 Did you make a statement that no one
11 understood what the system was supposed to do?

12 MR. TRAMMELL: Object to the form.

13 THE WITNESS: No.

14 MR. TRAMMELL: I'm struggling to see how
15 this has anything to do with class certification.

16 MR. WATSON: If nobody knew how -- how
17 the system was done, then everybody in the class
18 got affected the same way.

19 MR. TRAMMELL: That's -- that doesn't
20 answer my question.

21 MR. WATSON: I just answered it.

22 MR. TRAMMELL: This is a merits-based
23 question.

24 MR. WATSON: You can object.

1 MR. TRAMMELL: Object.

2 BY MR. WATSON:

3 Q Mr. Moore, did you have any concern about
4 the computer system not going to be ready to
5 roll and to properly handle all of the
6 arrestees that were being brought to the
7 Shelby County Jail?

8 A Yes, sir.

9 MR. HORTON: Object to the form.

10 MR. TRAMMELL: The same objection.

11 BY MR. WATSON:

12 Q And what were those concerns?

13 MR. McLAREN: I'm sorry. I didn't hear
14 the answer.

15 MR. WATSON: I think he said yes, sir.

16 BY MR. WATSON:

17 Q That was a yes?

18 A What, on the -- I had concerns about the
19 system --

20 Q Yeah.

21 A -- going live?

22 Q Yes.

23 A Yes, sir.

24 Q And why did you have system -- concerns

1 about the system going live?

2 MR. TRAMMELL: The same objection.

3 THE WITNESS: Well... One of the things
4 that's not addressed here is what we were doing
5 preparing for the system to go live.

6 BY MR. WATSON:

7 Q Okay. Let me ask the question again, and
8 listen to it. What were your concerns about
9 the system going live?

10 MR. TRAMMELL: The same objection.

11 MR. HORTON: Object to the form.

12 THE WITNESS: We didn't have everything
13 that we needed to -- to work with the new system
14 from our point of view.

15 BY MR. WATSON:

16 Q And if you didn't have everything to work
17 with the new system, then it was your concern
18 the new computer system wouldn't work, right?

19 MR. HORTON: Object to the form.

20 MR. TRAMMELL: The same objection.

21 THE WITNESS: I didn't say it wouldn't
22 work. I said we, the jail, didn't have everything
23 that we felt we needed to make the system do what
24 it was supposed to do in the jail.

1 BY MR. WATSON:

2 Q Right. And -- so it's fair to say that
3 you sort of predicted the problems that came
4 up, right?

5 MR. HORTON: Object to the form.

6 THE WITNESS: No, I wasn't predicting.
7 I was just giving information based on what we
8 were dealing with.

9 BY MR. WATSON:

10 Q Okay. If you can turn to the next
11 to last -- or the very last page of this
12 document. This is, I guess, a continuation of
13 the July 21, 2016 meeting. Do you see at the
14 very top it says Ed will report something
15 for -- I can't read that, but the next
16 handwritten thing says conversion-bond set
17 issues; release not ready yet, PH. Do you see
18 that?

19 A Are you reading from the right side?

20 Q Yes, sir. It's a handwritten note.

21 A Okay. The conversion-bond set -- yeah.
22 Okay.

23 Q Bond set issues; release not ready yet,
24 PH. What's PH, do you know?

1 A I have no idea.

2 Q Okay. Were there discussions in the
3 steering committee that the -- the bond --
4 there were going to be bond set issues and
5 releases were not ready yet?

6 MR. HORTON: Object to the form.

7 MR. CRADDOCK: Fact -- also fact-based.

8 THE WITNESS: During these meetings
9 and -- everyone that's titled or identified as
10 agencies in these meetings were there.

11 BY MR. WATSON:

12 Q No, I understand that.

13 A And, upon their being there, everyone had
14 a voice, or had the responsibility to have a
15 voice, and if it was someone dealing with
16 bonds out of the pre-trial area, then what
17 they did was they would speak up and they
18 would say what their concerns were.

19 Q Okay.

20 A Whether they were positive or negative.

21 Q Okay. Well, one of -- one of the
22 concerns voiced by somebody, at the steering
23 committee meeting, was that there -- there
24 were bond set issues and release not ready; is

1 that correct?

2 MR. HORTON: Object to the form.

3 THE WITNESS: That's what it says.

4 BY MR. WATSON:

5 Q Okay.

6 (Whereupon, Exhibit 7 was marked.)

7 BY MR. WATSON:

8 Q Let me show you what I'll mark as
9 Exhibit 7. Exhibit 7 is Bates stamped SC
10 489754 through 489756.

11 Okay. Let's start at the second page,
12 because this is an e-mail string, and I
13 apologize, you have to start at the last page.
14 And it's a -- it's from Audrey L. Townsel.

15 Who is Audrey L. Townsel?

16 A At that point, she was one of the medical
17 provider managers or supervisors.

18 Q In the jail?

19 A Well, I don't know whether she was
20 working in the jail or working
21 administratively for the -- the company. She
22 was working for the company, so whether she
23 was actually in the jail or one of the company
24 spokespersons I can't -- I don't know.

1 Q You mentioned company. I see, on the
2 very last page, she's got her name, Regional
3 Operations Manager, Jail Division, Tennessee
4 and LA. And then -- it's a company called
5 Correct Care Solutions?

6 A Yes.

7 Q What does that company do?

8 A They're the medical providers for the
9 inmates in the jail.

10 Q Okay. So the jail contracts out with
11 Correct Care Solutions; is that correct?

12 A No. The health department contracts out
13 with them.

14 Q Okay. And brings them in to handle
15 inmate medical needs?

16 A Right.

17 Q Okay. And she has e-mailed Bill Kissel
18 and Chris Bove. Do you see that?

19 MR. HORTON: Well, I've got to ask,
20 Frank -- I'm a little confused. There's no
21 allegation that any inmate did not get adequate
22 medical care, so I don't quite understand the
23 relevance of this document.

24 MR. WATSON: We'll get to it.

1 BY MR. WATSON:

2 Q Okay. The e-mail states to -- from
3 Audrey Townsel to Bill Kissel and Chris Bove,
4 quote, complete chaos in the jail, and it's
5 going to take at least another couple of weeks
6 to get things settled. It's really bad.
7 Luckily, the health department is giving us
8 our space and being supportive. They told me
9 to track overtime and they're going to have
10 the County reimburse us. Do you see that?

11 A The second page?

12 Q Yes, sir.

13 A Okay.

14 Q Okay. Where I'm going is the very first
15 e-mail at the top on Exhibit 1 is from a -- is
16 Debra --

17 MR. HORTON: Exhibit what?

18 THE WITNESS: Exhibit 7?

19 BY MR. WATSON:

20 Q Seven. I'm sorry, Exhibit 7. Is Debra
21 Fessenden to you and others; is that correct?

22 MR. CRADDOCK: We object on the basis
23 it's all fact-based, no class discovery.

24 MR. WATSON: Class discovery is

1 fact-based.

2 MR. WHITWELL: Merit-based.

3 MR. CRADDOCK: Merit-based.

4 MR. WATSON: Okay.

5 MR. CRADDOCK: Thanks for clarifying.

6 MR. TRAMMELL: What does this have to do
7 with class discovery?

8 MR. BURNS: I thought we were just going
9 to object and no --

10 MR. WATSON: Yeah, why don't you just
11 object, Mr. Trammell, instead of interrupting.

12 MR. TRAMMELL: Because all this is is
13 just merits-based.

14 MR. WATSON: Well, you know, you can
15 object. You can --

16 MR. TRAMMELL: I'm objecting --

17 MR. WATSON: Okay. That's --

18 MR. TRAMMELL: When are you going to get
19 to the class questions?

20 MR. WATSON: I'm getting ready to.

21 BY MR. WATSON:

22 Q Mr. Moore, you got this e-mail; is that
23 correct?

24 A Okay. My name is on it, so -- I --

1 Q Who is Debra Fessenden?

2 A Debra -- she was the legal advisor for
3 the sheriff.

4 MR. CRADDOCK: Also I object on the
5 basis of attorney-client privilege.

6 BY MR. WATSON:

7 Q She says, quote, I'm so sorry. It's a
8 difficult time for all. Please know the
9 sheriff resisted this for as long as possible.
10 There was no failure to predict the issues
11 that have arisen, close quote. Do you see
12 that?

13 A Yes, I read it.

14 Q Is that true?

15 MR. TRAMMELL: Objection; merits-based.

16 MR. HORTON: Object to the form.

17 THE WITNESS: You'll have to ask -- I
18 mean -- we've identified that we had some
19 problems, and I think that's the only thing she's
20 saying.

21 BY MR. WATSON:

22 Q Well, she says in here that the sheriff
23 resisted this for a long time. Is it accurate
24 to say that the sheriff resisted the

1 utilization and implementation of the new
2 computer system?

3 MR. HORTON: Object to the form.

4 MR. TRAMMELL: Object to the form;
5 merits-based.

6 THE WITNESS: You'll have to ask the
7 sheriff that. You know, I mean --

8 BY MR. WATSON:

9 Q Well, I mean, did you hear that?

10 A I -- I told the sheriff that, you know,
11 we had some problems with the system that
12 you -- you've identified that in a number of
13 cases here.

14 Q Well, we'll depose Ms. Fessenden, but
15 what -- your understanding was that the
16 sheriff -- that she was stating the sheriff
17 had resisted going to the new system; is that
18 fair?

19 MR. HORTON: Object to the form.

20 THE WITNESS: I don't know what the
21 sheriff resisted.

22 BY MR. WATSON:

23 Q I'm asking your understanding.

24 A Well, no, I don't -- I don't --

1 Q You had no understanding of this
2 document?

3 A I -- I can't speak for the sheriff.
4 That's what I'm saying. This is the legal
5 advisor of the sheriff talking about the
6 sheriff --

7 Q Okay.

8 A -- and I absolutely can't get involved in
9 what's --

10 Q Well, Ms. --

11 A -- going on there.

12 Q Well, Ms. Fessenden says there was no
13 failure to predict the issues that have
14 arisen. Do you know what she means by that?

15 MR. HORTON: Object to the form.

16 THE WITNESS: No, sir.

17 MR. CRADDOCK: That would be speculation
18 also. I mean --

19 THE WITNESS: No, sir.

20 MR. CRADDOCK: -- this is getting into
21 major speculation.

22 THE WITNESS: No failure to predict the
23 issues that have been arisen -- that have arisen.
24 No, sir.

1 BY MR. WATSON:

2 Q Well, in connection with your -- your
3 position on the steering committee, were there
4 any people predicting, look, if we go to this
5 new system it's not going to work, it's going
6 to be a problem?

7 MR. HORTON: Object to the form. This
8 is -- this is still merits-based. These are not
9 class questions.

10 BY MR. WATSON:

11 Q You can answer.

12 A I think you've read where one of these on
13 the steering committee that I -- I -- the Jail
14 Director says that -- someone says that I said
15 that, you know, hey, maybe we need to wait
16 before this happens, and there's a reason,
17 because of the fact that the jail part of this
18 process is not doing what we think it ought to
19 do.

20 Q Okay. Now, let's get back to the -- the
21 new computer system didn't treat somebody
22 different because they're rich, right?

23 A No, sir, I don't think --

24 Q The jail system didn't treat anybody

1 different because they're black or white,
2 right?

3 A No, sir. You're saying the OMS system?

4 Q Yeah, the OMS system.

5 A Okay.

6 Q Right. The system that -- the software
7 that you had at the jail didn't treat anybody
8 differently with respect to their individual
9 cases, right?

10 A No, sir, not that I could -- no, not --

11 Q Okay. So, when there was a problem with,
12 for example, you know, a preset bond or a
13 release, the computer just generically did
14 that across the board, fair enough?

15 MR. HORTON: Object to the form.

16 THE WITNESS: I'm going to have to
17 assume that it did because I don't have any -- the
18 jail system had nothing to do with the bonds.

19 BY MR. WATSON:

20 Q Right. Well -- in other words, there
21 was -- there's no evidence that the lack of
22 release or any bond problems had anything
23 other than to do with the new computer system,
24 fair enough?

1 MR. HORTON: Object to the form.

2 MR. TRAMMELL: Object to the form.

3 THE WITNESS: Okay.

4 BY MR. WATSON:

5 Q Is that fair enough?

6 A Yes, sir. I guess...

7 MR. WATSON: Why don't we take a five
8 minute break.

9 MR. HORTON: Sure.

10 THE VIDEOGRAPHER: We're off the record
11 at 11:29.

12 (Lunch recess.)

13 THE VIDEOGRAPHER: We're back on the
14 record at 12:40 p.m.

15 BY MR. WATSON:

16 Q Mr. Moore, we're back from a lunch break,
17 and I pulled out Exhibit 4 because I did have
18 a question back on it that we were looking at.

19 In the very first page of Exhibit 4 right
20 there in front of you, you state, quote, the
21 problem we find are system problems that most
22 of the staff do not understand and cannot
23 begin to correct until GTL gets involved or
24 our own IT personnel. I think you said

1 personal, but you meant personnel I assume; is
2 that correct?

3 A Yes.

4 Q Okay. GTL, who is that?

5 A That's the company that the system was
6 either purchased from or the system -- that
7 owns it or something.

8 Q And is that the OMS system you're talking
9 about?

10 A Yes.

11 Q Okay. All right. So is -- does Global
12 Tel Link ring a bell?

13 A Yeah, looks like -- sounds like it.

14 Q Sounds like it?

15 A Yeah.

16 Q Okay.

17 A It sounds like the same name.

18 Q Okay. So it was your understanding that
19 the problems that -- that you were
20 experiencing that we've talked about that
21 Global Tel would need to get involved, or at
22 least Shelby County's IT department, which was
23 outside the jail, would have to get involved
24 to fix those; is that correct?

1 MR. HORTON: Object to the form.

2 THE WITNESS: Yes.

3 BY MR. WATSON:

4 Q Okay. And did GTL get involved in the
5 OMS system to try to repair the -- the
6 systemic problems we've been talking about?

7 A Yes, on --

8 MR. TRAMMELL: Object to the form.

9 MR. HORTON: Go ahead.

10 THE WITNESS: Yes, on several
11 occasions -- well, they -- they were there I'm
12 going to say at least 75 to 80 percent of the
13 time.

14 BY MR. WATSON:

15 Q Global Tel Link was?

16 A Yeah.

17 Q Now, help me out, did -- Global Tel Link,
18 did they -- I know they created the OMS
19 software; is that -- is that correct?

20 A Yes.

21 Q Did that get sold to the County?

22 A You'll have to ask IT.

23 Q You don't know? Okay.

24 A Yeah.

1 Q Okay. Fair enough. Do you understand
2 that GTL also operated the telephones for the
3 inmates?

4 A Yes.

5 Q Okay. And they got paid to do that; is
6 that correct?

7 A Yes, sir.

8 Q Okay. Did they share a commission with
9 the County as to payments made by inmates or
10 their families?

11 A That is my --

12 MR. TRAMMELL: Object to the form. I
13 don't -- I don't represent GTL, but what does this
14 have to do with this lawsuit?

15 MR. WATSON: You know, let me refer you,
16 Mr. Trammell, since you have these questions, to
17 Driver vs. Marion County Sheriff, 859 F.3d 489 at
18 Page 459. This -- this fact is specifically
19 addressed.

20 MR. TRAMMELL: Why don't you read the
21 fact to us, please.

22 MR. McLAREN: Can we just move on?
23 We're --

24 MR. WATSON: Yeah, let's just move on.

1 I mean --

2 MR. McLAREN: -- getting into legal
3 argument.

4 MR. TRAMMELL: Okay. Thank you.

5 BY MR. WATSON:

6 Q But you're unaware of whether the County
7 bought the -- strike that. Are you aware of
8 whether or not the County cut a deal
9 essentially where they got the OMS software
10 for free in exchange for allowing GTL to run
11 the phone system?

12 MR. HORTON: Object to the form.

13 MR. CRADDOCK: It's also merits-based.

14 BY MR. WATSON:

15 Q Are you aware of that either way?

16 A No, sir.

17 Q Okay. Good enough. We can put that away
18 to get it out of your hair. Thank you, sir.

19 (Whereupon, Exhibit 8 was marked.)

20 BY MR. WATSON:

21 Q Let me show you what I'll mark as
22 Exhibit 8 to your deposition. And I've got
23 one for you.

24 Exhibit 8 is SC 274878 through 79, and

1 this is an e-mail from Keva Walton, on
2 November 21, 2016, to you, Charline McGhee,
3 Debra Hammons and Amos Harrison; is that
4 correct?

5 A Yes, sir.

6 Q Okay. And the subject matter is OS --
7 excuse me, OMSe issues. Do you see that?

8 A Yes, sir.

9 Q Now, help me out, Keva Walton, what was
10 her position at the -- in Shelby County?

11 A Keva Walton was a sergeant in the jail
12 that was assigned to the training process for
13 the new system of OMSe.

14 Q Did she report to you?

15 A I mean -- she's a sergeant. No, she
16 reported to a -- she reported to Chief McGhee
17 and to Debra Hammons, but all of them reported
18 to me.

19 Q Yes, sir. Okay. So she has sent this to
20 you and to her direct superiors. Take a look
21 at the attached document that states Re: OMSe.
22 Is that correct?

23 A Yes.

24 Q And she says, quote, Chief Moore, there

1 are still some concerns with OMSe that will
2 continue to greatly impact the jail. These
3 concerns include but are not limited to,
4 Number 1, Interfaces-OMSe works well by
5 itself, as does Odyssey, the court's new
6 system. However, these two systems are not
7 designed to work alone. Odyssey is
8 responsible for feeding OMSe with court and
9 bond information. However, it is not. This
10 has been an issue even prior to Go Live. This
11 affects an inmate's release time. Even if the
12 bond is posted, we are unable to see it in
13 OMSe. Do you see that?

14 A Uh-huh.

15 Q Is -- was that your understanding, what
16 she's reflected in this memo was happening in
17 connection with the new computer system?

18 MR. HORTON: Object to the form.

19 MR. TRAMMELL: Object to the form.

20 THE WITNESS: And -- yes, that's part of
21 it.

22 BY MR. WATSON:

23 Q Oh, I mean, there are other parts I
24 understand --

1 A Yeah.

2 Q -- but, I mean, this is a consistent
3 complaint that was happening and you were
4 receiving from your -- from your inferiors; is
5 that correct?

6 A Yes.

7 MR. HORTON: Object to the form.

8 BY MR. WATSON:

9 Q And the -- the complaint that inmates
10 weren't being released because Odyssey was not
11 reflecting bond and court information is
12 something that judges also complained about;
13 is that correct?

14 A Yes.

15 Q And that's something that inmates
16 complained about, correct?

17 A Okay. Yes.

18 Q Or their lawyers?

19 A Yeah.

20 Q And their family members complained about
21 it, right?

22 A Yes.

23 Q And, in fact, because of these problems
24 with the new computer system, the courts had

1 to resort to an alternative way to
2 communicate --

3 MR. TRAMMELL: Object to the form.

4 BY MR. WATSON:

5 Q -- correct?

6 MR. TRAMMELL: That's also a
7 merits-based question.

8 MR. WATSON: Read the case.

9 MR. TRAMMELL: It's a merits-based
10 question.

11 MR. WATSON: Read the case.

12 BY MR. WATSON:

13 Q Go ahead. You can answer.

14 A I'm lost.

15 MR. WATSON: Can you read back the last
16 question?

17 MR. TRAMMELL: I think we all are.

18 THE COURT REPORTER: The question --

19 MR. BURNS: It will all become clear.

20 (Whereupon, the requested question was
21 read back by the court reporter.)

22 MR. TRAMMELL: Object to the form.

23 THE WITNESS: Yes.

24 BY MR. WATSON:

1 Q Now, if we go down to Number 2, she talks
2 about, quote, Medical Interface. And I just
3 want to focus on the last sentence in that
4 paragraph. She states, quote, OMSe is
5 currently reporting that we have seven inmates
6 who receive special diets. However, Aramark
7 reported 261. Do you see that?

8 A Yes.

9 Q So --

10 MR. HORTON: Once again, I'm going to
11 object. I don't see what -- that as an issue.
12 There's no claim regarding the lack of medical
13 care or treatment in the Complaint.

14 BY MR. WATSON:

15 Q That was a systemic problem with the new
16 computer system, correct?

17 A Yes.

18 Q Okay. And -- let's go down to Number 3,
19 quote, Warrants--There was an error during the
20 data conversion process the (sic) causes
21 inaccurate warrant information to appear and
22 certain information not to appear at all.
23 Some warrants that have been cleared are now
24 showing as active, which affects release as

1 well as jail visitation. Before an inmate can
2 be released, we must ensure that he/she has no
3 active warrants. However, with this issue, we
4 must double-check to make sure that we are not
5 releasing someone in error. OMSe does an
6 automatic warrant check on all registered
7 visitors. We are seeing warrants appear for
8 people who Fugitive tell us have no active
9 warrants, which can be quite embarrassing for
10 us because it happens often, close quote.

11 So, in that -- in that component of this
12 memo to you from Ms. Walton, she's expressing
13 that there's a problem with -- with OMS
14 getting accurate information as to whether a
15 warrant's been satisfied or not; is that
16 correct?

17 A Yes.

18 Q Okay. And -- so if a warrant's been
19 satisfied but is outstanding in OMSe, the
20 police or the sheriff may go pick that person
21 up again; is that correct?

22 A Well, we don't know what the sheriff
23 would do because the warrant office is not a
24 part of the jail. What -- what she's

1 referring to is that, upon release and we have
2 to do the warrant checks, then what happens is
3 that if the warrant shows active in that
4 system and the person should be released we
5 cannot release him --

6 Q Okay.

7 A -- or her.

8 Q Okay. I'm glad you -- so --

9 A That's kind of what she's -- she's
10 referring to.

11 Q Okay. So, in other words, we've got a
12 person who's ready to be released, but we do a
13 warrant check, and it's still active when it
14 shouldn't be active; is that fair?

15 A Yes.

16 Q So that -- that was a common complaint as
17 to -- to not releasing prisoners on time; is
18 that correct?

19 MR. HORTON: Object to the form.

20 THE WITNESS: That was a complaint. I'm
21 not going to say it was that common, but it was a
22 complaint.

23 BY MR. WATSON:

24 Q Certainly she's telling you that in this

1 memo, correct?

2 A Well -- yes.

3 Q Okay. With respect to the problems that
4 we've been talking about with the new computer
5 system, that is with the inability of Odyssey
6 to communicate effectively with OMS, I take it
7 it's fair to say that no one, to your
8 knowledge, ever accused your jail staff of
9 being part of a problem?

10 MR. TRAMMELL: Object to the form.

11 THE WITNESS: I -- I don't want to say
12 that because I think the -- the parents, the --
13 the families, the general public saw the jail as
14 being the problem because of the fact that the
15 jail had responsibility for the individuals.

16 BY MR. WATSON:

17 Q Oh, no, I appreciate that. I mean, with
18 respect to within inside the jail or the
19 County personnel, nobody said, hey, the
20 systemic problems we're having with this
21 computer system are really the fault of jail
22 personnel?

23 MR. TRAMMELL: Object to the form.

24 THE WITNESS: We had those kind of

1 complaints.

2 BY MR. WATSON:

3 Q Well, you say -- within the -- within the
4 jail system itself?

5 A Not within the -- I mean -- within the
6 jail? No, not within the jail, but they were
7 about the jail.

8 Q Oh, sure. No, I understand. But, with
9 respect to the computer system not operating
10 correctly, you don't believe that was due to
11 any human error, right?

12 MR. TRAMMELL: Object to the form.

13 THE WITNESS: Well -- no, I -- there was
14 some human error dealing with that process. There
15 had to be.

16 BY MR. WATSON:

17 Q Well, was the human error a Shelby County
18 employee?

19 MR. TRAMMELL: Object to the form.

20 THE WITNESS: Well, I'm pretty sure --
21 and I'll have to address that generally because
22 we -- we're just like everyone else. Yeah,
23 they -- there are times that, even with the new
24 system, persons would key sometimes the wrong

1 thing, and, if that be the case, then it could
2 cause a problem.

3 BY MR. WATSON:

4 Q Right. Well, with the last exhibit we
5 just went over, Ms. Walton's not saying these
6 problems are due because of data entry error,
7 right?

8 A Oh, no.

9 Q This is because the computer is not
10 acting correctly, right?

11 A That's what she's saying, yes.

12 MR. TRAMMELL: Object to the form.

13 BY MR. WATSON:

14 Q Okay. And that was what you understood
15 to be the case, correct?

16 MR. TRAMMELL: Object to the form.

17 THE WITNESS: Primarily.

18 BY MR. WATSON:

19 Q All right. Let me show you what I've
20 marked as Exhibit 10 -- is that right?

21 MR. HORTON: Nine.

22 MR. BURNS: Nine.

23 MR. WATSON: Nine. I'm sorry. Thank
24 you.

1 (Whereupon, Exhibit 9 was marked.)

2 BY MR. WATSON:

3 Q Exhibit 9, this is an e-mail string, and
4 the Bates stamp number is SC 274814 through
5 15. This is an e-mail from Art Quinn, who
6 is -- I'll represent to you is a criminal

² See, for example, the following: E. J. H. D. B. van der Heijden, *De geschiedenis van de Nederlandse politiek* (The Hague, 1950), pp. 10-11.

9 A Ed Raper was one of the primary persons
10 in charge of the system being implemented from
11 the County.

12 Q From the County. Right. He didn't work
13 at the jail, he worked for the County?

14 A Not at that time. He had formerly worked
15 for the jail.

16 Q Okay. What did he -- what did he do for
17 the jail prior to this new computer system
18 being acquired?

19 A He was an IT supervisor.

21 A Yes.

22 Q Okay. And -- do you know how he got
23 selected to be essentially the head of the --
24 of the implementation of the new computer

1 system?

2 A No, sir.

3 MR. CRADDOCK: Objection; merits-based.

4 BY MR. WATSON:

5 Q Okay. In -- so, in this capacity here on
6 November the 16th, 2016, who did Mr. Raper
7 report to?

8 A I have no idea, but it was from -- he --
9 IT County. He had no directs to the sheriff's
10 office.

11 Q Okay. Or to the jail. Okay. Got it.
12 Mr. Raper I understand has passed away; is --
13 do you understand that?

14 A Yes, sir.

15 Q Do you know how -- what he died from?

16 A No, sir.

17 Q Okay. Have you ever talked to Mr. Raper
18 about this case?

19 A I've talked to Mr. Raper in the steering
20 committee meetings --

21 Q Okay.

22 A -- dealing with the issues, but --

23 Q But not about this lawsuit?

24 A No.

1 Q Okay. Well, here Mr. Quinn states,
2 quote, after much thinking about the issues
3 raised at yesterday's meeting, I'd like to
4 make one suggestion which I suppose you and
5 your staff have already thought about.

6 Without a doubt, the most immediate issue is
7 to make sure that no other situation exists
8 similar to the one described by Judge
9 Anderson, close quote.

10 Do you remember -- do you recall Judge
11 Anderson making a statement to the press that
12 he was very concerned about the -- the new
13 computer system and its inability to handle
14 inmates correctly?

15 MR. HORTON: Object to the form.

16 THE WITNESS: Not particularly Judge
17 Anderson. Several judges.

18 BY MR. WATSON:

19 Q That made a comment like that?

20 A Well, I don't know like that, but there
21 were several judges who voiced concerns.

22 Q Okay. He said, quote, in other words, it
23 must be certain that the status of anyone who
24 is presently in jail is being appropriately

1 accounted for, close quote. It seems to me
2 the only way to do that is to do an immediate
3 audit of everyone in jail who, at the very
4 least, was arrested or has gone to the courts
5 since October the 30th. The audit would
6 include whether they have gone to court and
7 when, the result of the court event, and their
8 status concerning bond release eligibility,
9 and whether the next court date is
10 appropriately noted.

11 Now, you got -- you got this e-mail; is
12 that correct?

13 A Yes.

14 Q Did -- to your knowledge, did the jail or
15 anyone do an audit as suggested by Mr. Quinn?

16 A The jail did do an audit.

17 Q Okay. And was that --

18 A It was suggested by the -- by the judges,
19 but we did do an audit.

20 Q And what was the -- the purpose of the
21 audit?

22 A Well, there were several purposes for the
23 audit. One was to make sure -- to identify
24 who was in the jail, what court they were

1 actually assigned to based on them coming to
2 jail, what -- and then -- that would be
3 several courts for some inmates, some inmates
4 had five or six different courts, so that
5 would be several courts, and any release dates
6 that were available, just -- just the general
7 information on every inmate in the jail. And
8 that was an audit did, and it took several
9 months for it to happen, but we completed it.

10 Q Okay. When did that audit first begin?

11 A Oh, I would have to go back and look at
12 the -- the documents and the audit itself. I
13 can't tell you.

14 Q Okay. But it took several months to do?

15 A Yes.

16 Q This was -- I assume the audit was after
17 the go live date of the new computer system?

18 A No, I don't think so.

19 Q It was before?

20 A Yes.

21 Q Okay. Well, Mr. -- this is an e-mail
22 from Mr. Quinn talking about an audit. Was
23 there any audit after -- let me ask you this,
24 was there any audit after the go live date for

1 -- to determine information concerning the
2 inmates?

3 A No, I don't -- I don't think so. Not --
4 not during my tenure.

5 Q Okay. So what -- who asked for this
6 audit?

7 A There was a meeting dealing with several
8 judges, and the judges made a suggestion, in
9 the meeting, that the jail should look at
10 trying to do an audit. And, upon leaving, we
11 met -- and me being we, my staff and I that
12 were there, and we decided, yes, I think that
13 makes good sense. So what we did was an
14 audit.

15 Q Now, the audit was -- was this -- did
16 this idea of the audit come out of the OMS
17 steering committee?

18 A No, sir. This audit come out of the
19 jail.

20 Q Okay. And were the judges having this
21 meeting as to the audit because there were
22 problems with the new computer system?

23 MR. HORTON: Object --

24 MR. TRAMMELL: Object to the form. All

1 of this has nothing to do with class.

2 MR. WATSON: There's an audit,

3 Mr. Trammell, that has all -- everything to do
4 with class.

5 MR. TRAMMELL: It has nothing to do with
6 class.

7 MR. WATSON: Say your objection, and --

8 MR. TRAMMELL: It has nothing to do with
9 class.

10 MR. WATSON: Okay. Thank you.

11 MR. TRAMMELL: We continue to have
12 merits-based questions only.

13 MR. WATSON: How can an audit not have
14 to do with a class?

15 MR. TRAMMELL: How can it have anything
16 to do with your class?

17 MR. WATSON: Because it could show how
18 many class members were affected. Let the witness
19 testify, Mr. Trammell.

20 BY MR. WATSON:

21 Q Okay. Was this meeting in connection
22 with the problems that the new system was
23 having?

24 MR. TRAMMELL: Object to the form;

1 merits-based.

2 THE WITNESS: The audit was -- the audit
3 was something presented to us by the courts
4 dealing with inmates that they were dealing with,
5 so it would kind of address a whole lot of issues.

6 BY MR. WATSON:

7 Q Well, I understand, but the impetus --
8 the judges got together because there was a
9 problem with the new system?

10 MR. TRAMMELL: Object to the form.

11 BY MR. WATSON:

12 Q Is that your understanding?

13 A I'm not sure whether it was the new
14 system. I can't really identify to why we did
15 -- why the judges -- we were meeting with the
16 judges based on inmates not getting to court.

17 Q Okay. And they weren't getting to court
18 because of the new computer system?

19 MR. HORTON: Object to the form. That's
20 not his testimony.

21 MR. TRAMMELL: Object.

22 THE WITNESS: We were -- they were
23 concerned because they weren't getting there. We
24 were concerned as to why they were not getting

1 there, and I think at that particular point --
2 that was early in the process. We weren't -- I
3 don't think we had gone live with OMSe. I think
4 we were still dealing with JMSE -- JMS. But the
5 fact is that it's -- it was a problem and what --
6 why was the problem existing.

7 So the judges had a concern. We had
8 some issues as it relates to it. The courts
9 -- the clerk's office -- everybody was really,
10 really interested, but the judges made a
11 suggestion, and based on their suggestion --
12 they didn't give a directive. It was a
13 suggestion. And so what we did was we
14 actually did an audit.

15 BY MR. WATSON:

16 Q And was that prepared in a written
17 format?

18 A Yes, it is.

19 Q Okay. And that's a document that we
20 could get our hands on?

21 A You should be able to. I know the
22 judges -- we -- upon completing it, the judges
23 had copies of it, and, yes, we --

24 Q Okay.

1 A -- all of the persons that were involved.

2 Q Well, but -- we've talked about this, the
3 Odyssey system was not reflecting court dates
4 to the OMS system, correct?

5 MR. HORTON: Object to the form.

6 MR. TRAMMELL: Object to the form.

7 THE WITNESS: Yes.

8 MR. TRAMMELL: Merits-based.

9 BY MR. WATSON:

10 Q Okay.

11 A Yes.

12 Q And, as a result, people weren't getting
13 to court, correct?

14 MR. TRAMMELL: Object to the form;
15 merits-based.

16 THE WITNESS: Some people did not get to
17 court on time. I ain't going to say they weren't
18 getting to court. They weren't getting to court
19 on time.

20 BY MR. WATSON:

21 Q And it's on Shelby -- some Shelby County
22 employee to make sure that person gets to
23 court, correct?

24 A Yes. All of us were responsible for

1 making sure those persons got to court.

2 Q And, to get to court, they -- if they had
3 no preset bond, they've got to go to court to
4 get a bond hearing, right?

5 A A preset bond didn't determine whether a
6 person got to court or not. A person being
7 arrested determined whether he went to court
8 or not.

9 Q Right. But going to court -- people who
10 don't have a bond set have to go to court to
11 get one set, right?

12 A Once you come in and you go to pre-trial,
13 then you're going to get a court date.

14 Q Okay. Who were the other judges that got
15 together to request this audit?

16 A That's impossible for me to identify to.
17 You can go and look at General Sessions and
18 you can look at Criminal Court and ask them
19 were they a part of that meeting, but --

20 Q Did you ever --

21 A -- it was just --

22 Q Did you ever speak with Ed Stanton about
23 his concerns about the new computer system?

24 MR. HORTON: Object to the form.

1 THE WITNESS: I don't recall Mr. Stanton
2 being -- he -- I remember him being in some
3 meetings or sessions with us, but it was not -- it
4 was not a norm for him to be in those meetings.
5 He had staff that was there.

6 (Whereupon, Exhibit 10 was marked.)

7 BY MR. WATSON:

8 Q Let me show you what we'll mark as
9 Exhibit 10. Exhibit 10 is an e-mail from --
10 originally from Gerald Skahan, if I'm saying
11 that right, to a number of people in the
12 Shelby County system; is that correct?

13 A Okay.

14 Q And this is a letter -- the subject is,
15 quote, Odyssey, One Judge's Perspective. Do
16 you see that? The very -- the very bottom.
17 I'm sorry, the very bottom of the page there.

18 A The first page?

19 Q Yes, sir. I've got it highlighted right
20 here.

21 A Oh, okay.

22 Q It says Odyssey, One Judge's Perspective.
23 Do you see that?

24 A Okay.

1 Q Okay. He says, to all concerned, my name
2 is Gerald Skahan, and I'm currently the judge
3 in Division 9 of General Sessions. The time
4 has come for me to e-mail everyone regarding
5 the Odyssey computer system. I do not speak
6 for all the judges; however, I know enough of
7 them share my concerns as do the courtroom
8 clerks that I am in contact with. I realize
9 that this has been an ongoing headache and I'm
10 just another voice expressing my
11 dissatisfaction. I am going to cover a list
12 of complaints, faults, and dangers with this
13 new system and make a suggestion. Please be
14 patient and read all the information.

15 Yesterday I had 17 in custody arraignments in
16 which the defendants were never able to be
17 brought to court. Some of the defendants have
18 been in custody for a week. This is simply
19 unacceptable and a violation of their
20 constitutional rights. The answer we received
21 from the jail, similar to last week, was,
22 quote, we don't know where they are, close
23 quote. As for the few defendants that were
24 brought to the courtroom, several had been in

1 custody eight or nine days with this being
2 their first court appearance. Again, this is
3 unacceptable. There were individuals who had
4 posted bonds that were being held in custody
5 for several days. Further, several
6 individuals appeared in court because they
7 were sent there from the jail. They have been
8 in custody four or five days, yet the clerks
9 are unable to find any information about them
10 in the computer. We cannot handle a case when
11 there is no file or information in the
12 computer. On many of them, I would have
13 simply dismissed their minor cases, but there
14 was nothing to dismiss. They are just sitting
15 in jail apparently forgotten about, close
16 quote.

17 So suffice it to say, that -- what I just
18 read to you was part of Judge Skahan's
19 complaint with respect to the new computer
20 system; is that correct?

21 MR. CRADDOCK: Before you answer, all of
22 that -- everything you just read may go to the
23 merits. It has nothing to do with class
24 certification. As I said this morning, we're

1 giving you a lot of latitude.

2 MR. WATSON: You can instruct the
3 witness not to answer, object.

4 MR. CRADDOCK: I'm objecting, but I want
5 you to be clear -- I want to be clear as to why.

6 MR. WATSON: You know --

7 MR. CRADDOCK: Because I believe you're
8 violating a Court Order --

9 MR. WATSON: Well --

10 MR. CRADDOCK: -- and I object for that
11 reason. And -- we're not going to instruct him
12 not to answer, but I think it's an abuse of this
13 discovery process.

14 MR. WATSON: We're not trying to abuse
15 it. This goes to Rule 23 elements.

16 MR. CRADDOCK: Well --

17 MR. AL McLEAN: And I'll object as to
18 form since this -- I don't see where his --
19 Mr. Moore is even copied on this e-mail, nor has
20 he identified this e-mail as far as I know.

21 MR. WATSON: Okay. Can you read back
22 the last question?

23 MR. BUNDREN: Mr. Watson, before you
24 start, can -- this is Brandon Bundren on the

1 phone. Can we get the Bates number, please?

2 MR. WATSON: Oh, I'm sorry. Sorry about
3 that. SC 368140 through 42.

4 MR. BUNDREN: Thank you.

5 (Whereupon, the requested question was
6 read back by the court reporter.)

7 MR. HORTON: Object to the form.

8 MR. TRAMMELL: Objection; merits-based.

9 BY MR. WATSON:

10 Q You can answer.

11 A Well, I don't know because when I -- I
12 was looking to see if I really got this, and I
13 did not get it.

14 Q I'm not asking you if you got it. Do
15 you -- do you agree that that's the kind of
16 complaint that you were hearing from judges?

17 MR. HORTON: Object to the form.

18 MR. TRAMMELL: Object to the form.

19 THE WITNESS: Well -- well, yes. Okay.

20 Yes.

21 BY MR. WATSON:

22 Q Okay. And the complaint wasn't that this
23 is an isolated event, right? It was -- the
24 complaint was that this was something to do

1 with the new computer, right?

2 MR. TRAMMELL: Object to the form;
3 merits-based.

4 MR. HORTON: Object to the form.

5 THE WITNESS: It was the judges'
6 perspective that there was a problem in the jail
7 for inmates getting to court. Whether it was the
8 computer or human error or what was going on, they
9 really didn't have that kind of issue with us.
10 They just wanted us to fix it, and we couldn't.

11 BY MR. WATSON:

12 Q Well, I understand that, but Judge Skahan
13 is not talking about human error, he's talking
14 about the Odyssey system, right?

15 MR. TRAMMELL: Objection.

16 THE WITNESS: That was his opinion, I
17 suppose, dealing with that particular situation,
18 but that -- JMS -- we had problems getting inmates
19 to court at times dealing with various judges all
20 the time, and it was a lot of times dealing -- and
21 this may have been dealing with the influx of
22 inmates coming in on large numbers and pre-trial
23 sending us courts for persons to go to and the
24 information not being sent directly to the courts,

1 so I --

2 BY MR. WATSON:

3 Q But --

4 A It would be hard to say.

5 Q But it was your understanding that the
6 problems that he's talking about are generated
7 because one computer system, the Odyssey, is
8 not communicating with the other --

9 MR. TRAMMELL: Object to the form.

10 BY MR. WATSON:

11 Q -- OMS; is that correct? Let me finish
12 the question.

13 A It's hard -- it's hard for me to say what
14 the judge -- he's saying what he's relaying --
15 what his thoughts are.

16 Q Right.

17 A But, based on his thoughts, I know that
18 there had to have been more than just that
19 particular issue if what he's talking about is
20 happening at the level that it's happening.

21 Q Well, he's indicated, for example, and
22 you've talked about this, that defendants are
23 not being taken to court, right?

24 A Yes.

1 Q And then when -- when Odyssey doesn't
2 tell your office --

3 A Our -- yes.

4 Q -- through the computer to bring them,
5 then you don't know to bring them, right?

6 MR. TRAMMELL: Object to the form.

7 THE WITNESS: Right.

8 BY MR. WATSON:

9 Q Okay. And, again, that was -- that was a
10 computer problem, not a personnel problem,
11 fair enough?

12 MR. TRAMMELL: Object to the form.

13 THE WITNESS: In cases, yes.

14 BY MR. WATSON:

15 Q Okay. So, now, the -- he goes on to say,
16 quote, next, I have cases appearing on my
17 docket in which the case was dismissed last
18 week. The defendant has no notice that he's
19 supposed to appear for a case that has been
20 dismissed. I am hopeful my fellow judges do
21 not mistakenly issue arrest warrants. Again,
22 this is unacceptable, close quote.

23 So, again, this goes along the line of
24 the warrants we talked about earlier that

1 aren't being -- are not reflective that
2 they've been satisfied; is that fair?

3 MR. HORTON: Object to the form.

4 THE WITNESS: That's interesting for a
5 judge to say that, and I just have to say it, no
6 other judge is going to issue a warrant out of his
7 courtroom. If -- if he's issued something to say
8 releasing a guy, then his clerk dealing with the
9 court clerk's office processes that, and they're
10 going to get it over to us. But another judge may
11 have another warrant for another charge that that
12 person may get a warrant on, and --

13 BY MR. WATSON:

14 Q Right. But doesn't that assume the
15 system --

16 MR. HORTON: Let him finish his answer,
17 please.

18 BY MR. WATSON:

19 Q Doesn't that assume --

20 MR. HORTON: Let him finish his answer.

21 BY MR. WATSON:

22 Q Are you finished?

23 A Well, I guess so.

24 Q Okay. Doesn't that assume the system's

1 operating correctly?

2 MR. HORTON: Object to the form.

3 THE WITNESS: No, not necessarily. The
4 system could be completely working properly or
5 completely working wrong. There is a process that
6 goes into effect that's outside of this system
7 dealing with releases.

8 If you're a judge and you've got
9 some -- a release coming out of your
10 courtroom, not only is it going into the
11 system to be released, but your clerk is going
12 to physically put that name on the list, when
13 they come to the jail to sign, to show who's
14 actually being released. So a -- a release
15 package is going to be built on -- on your
16 releases and anybody else's releases.

17 BY MR. WATSON:

18 Q We've already talked about this I think.
19 You testified that the -- if a warrant is not
20 reflected as satisfied, you're not going to
21 let that person go from jail, right?

22 A Absolutely not. If it's in the system --
23 if the warrant is there, we're not going to
24 release them.

1 Q Okay. And that was -- that was a problem
2 that you saw in the computer system, right?

3 A Well, there were times that -- yeah. And
4 there's still problems with that kind of
5 thing.

6 Q He indicates that, quote, the printed
7 dockets are -- provided are another problem.
8 I have heard that soon the judges and clerks
9 will not -- will no longer be issued proper --
10 paper dockets in the morning. This is
11 unacceptable and will not -- it will be
12 impossible to run the docket without a paper
13 docket. I will be issuing a Court Order today
14 or tomorrow that the clerk's office continue
15 to provide Division 9 three copies of paper
16 dockets indefinitely. If my fellow judges
17 wish to join in, sign the Order and continue
18 to receive paper dockets, then I'll ask -- I
19 will ask each to notify me to sign the Order.
20 The failure of the clerk's office to provide
21 such paper dockets will not be taken lightly
22 as I consider it detrimental to the
23 administration of justice. I also like -- I
24 would also like my deputies to continue to be

1 provided with a jail list and a hit list. If
2 possible, I would like these alphabetized
3 instead of the way we received them yesterday
4 with names randomly on a list.

5 Did -- and I read that to you. Did
6 you -- during this process did you understand
7 that the judges were having to operate off of
8 a printed docket so they knew exactly what was
9 going to go on in their courtroom?

10 MR. HORTON: Object to the form. That's
11 merits-based. It has nothing to do with the
12 classification in this case.

13 THE WITNESS: Prior to OMSe, during OMSe
14 and JMS there's also -- and this judge addresses
15 this, but it never stopped. There was a backup
16 system -- a paper backup system for court dockets.
17 There's a backup system, and the backup system was
18 a paper docket system.

19 And the courts -- if you ever go
20 into a courtroom, the judge, if you'll watch,
21 never looks at a computer. He looks down.
22 And what he's looking at is he's looking at
23 his paper docket.

24 And what we did was we worked off of

1 a paper docket, but it was a backup process.
2 We used it down in the tunnel to kind of deal
3 with who's to go to court. The deputies
4 actually work off of a different docket, and
5 it's paper, that they actually come down in
6 the tunnel and say who's going -- who's
7 supposed to be in various courtrooms and what
8 have you. So we used paper dockets, and they
9 still use them.

10 BY MR. WATSON:

11 Q Well, was it your understanding, when the
12 new computer system got adopted, that is the
13 OMSe and the Odyssey, that they were going to
14 do away with paper dockets?

15 A They wanted to.

16 MR. TRAMMELL: Object to the form.

17 THE WITNESS: It never happened.

18 BY MR. WATSON:

19 Q Okay. It never happened because the
20 computer system wasn't operating correctly?

21 MR. TRAMMELL: Object to the form.

22 THE WITNESS: No, it never happened
23 because of the fact that the judges, along with
24 all of us, agreed that it wasn't going to happen.

1 BY MR. WATSON:

2 Q Well, I mean, he had to sign an Order
3 telling the clerk to give them paper dockets,
4 right?

5 A I'm not saying he had to. He may have
6 done that. But the fact is that it never
7 happened. We always had paper dockets.

8 Q Okay. But the plan was to not have a
9 paper docket?

10 MR. HORTON: Object to the form.

11 THE WITNESS: It was something that --
12 I'm -- and I'll have to vaguely address that, but
13 I think you could -- we addressed it during the
14 steering committee processes that -- there was
15 some conversation, and the judge may have had
16 someone there or the judge himself may have been
17 in the steering committee meeting at that time and
18 that came up, but that never happened.

19 BY MR. WATSON:

20 Q Okay. Judge Skahan goes on to say,
21 quote, as for the docket itself, it needs to
22 be overhauled in many ways. Much of the
23 pertinent information that was on the former
24 docket is not provided on the new and improved

1 docket. The following information must be
2 added to the daily dockets effective
3 immediately; 1, the sex of the defendant; 2,
4 the age of the defendant; 3, whether it's a
5 misdemeanor citation; 4, whether it was a
6 physical arrest; 5, the date of the citation;
7 6, the date of the arrest; 7, the amount of
8 the bond; 8, whether or not the bond has been
9 posted; 9, whether or not the defendant is
10 still in jail after posting bond due to some
11 type of hold; 10, whether the defendant has
12 another case pending in another division that
13 same day; 11, whether the defendant has a case
14 pending in my division of court on a date in
15 the future. All of this information was on
16 the previous docket, and I'm unable to
17 understand why this information was removed
18 from the docket. The information must be
19 incorporated in the new dockets immediately.
20 Again, the failure to provide this information
21 to the judges and the courtroom staff will
22 interfere with administration of justice and
23 is not an acceptable answer. Please amend the
24 dockets to reflect this vital information

1 immediately, close quote.

2 So suffice it to say, again, Judge Skahan
3 is saying he needs that information because
4 he's not getting that, correct?

5 MR. HORTON: Object to the form. That's
6 not what it says. He's just asking for things on
7 a docket.

8 THE WITNESS: I --

9 MR. WATSON: I'm going to object to the
10 speaking objection. Go ahead.

11 THE WITNESS: I -- I think what the
12 judge was doing -- and this is my thought.

13 BY MR. WATSON:

14 Q Yeah.

15 A I think what the judge is doing is --
16 based on some meeting prior to, this is what a
17 plan was to do, and the judge was getting
18 ahead of it because of the fact that -- if you
19 look at -- you go back and you look at some
20 dockets of old and you look at some dockets
21 that was going on during this period, paper
22 dockets, and you look at the dockets, some
23 paper dockets that's going on right now, and
24 you'll find that they're still basically the

1 same.

2 All of this -- this may have been
3 something that was being discussed to happen
4 in the system, but it did not happen. It
5 wasn't happening because of the fact that most
6 of us would have even addressed it or even
7 agreed with the judge that certain things here
8 have got to be a part of the docket in order
9 that it be processed properly, so...

10 Q Well -- right. Where I'm going with this
11 is, you know, points 1 through 11 there, the
12 information he's asking for on his docket,
13 that's information you understood, while you
14 were reviewing this problem, that should have
15 gone from Odyssey to OMSe and OMSe to Odyssey
16 but wasn't; is that fair?

17 MR. TRAMMELL: Object to the form.

18 MR. HORTON: Object to the form.

19 THE WITNESS: I'm not going to say it
20 wasn't because I don't think it ever got into the
21 system for it not to go. This was the planning
22 process of maybe taking some of this stuff out.

23 Because some of this stuff, no, I --
24 I can't -- we would have to go back and look

1 at the system to see. Because I can't -- I --
2 there's no way that we would have agreed to
3 even allow for this to happen in the first
4 place.

5 BY MR. WATSON:

6 Q Well, I mean, you certainly -- your
7 computer that's run at -- the OMSe would need
8 to know -- if somebody had posted a bond, you
9 need to know that, right?

10 A Oh, absolutely --

11 Q Okay.

12 A -- we would need to know it.

13 Q And you --

14 A But -- but O -- OMSe would need to know
15 it, but the key is that --

16 Q Odyssey?

17 A -- Odyssey has to know it in order to put
18 it in OMSe, understanding that they have to
19 put it in OMSe. We wouldn't -- the jail
20 wouldn't put it there. It would have to come
21 from the courts saying that it happened.

22 Q Oh, again, I'm not blaming your --

23 A No, I'm not thinking that.

24 Q I'm not trying to nail you. I'm just

1 saying but there was no -- no under -- there's
2 no evidence that that information was not
3 being put into Odyssey, correct?

4 A No.

5 Q Well, in other words, you're saying,
6 well, gee, we can't know it unless Odyssey has
7 that input. The complaint was it's in
8 Odyssey, it's just not telling your OMSe,
9 right?

10 A In some instances, warrants did not get
11 to the jail, and whether -- during the new
12 system's implementation that was identified
13 that sometimes it didn't happen, and -- yes.

14 Q Well, it wasn't just warrants. It was
15 people that had posted a bond but your office
16 didn't know because Odyssey hadn't told them,
17 right?

18 MR. TRAMMELL: Object to the form.

19 THE WITNESS: Bonds, no. Because bonds
20 came through a window that -- pre-trial would
21 actually hand us paperwork telling us that a bond
22 had been posted.

23 BY MR. WATSON:

24 Q Well, you said the complaint, from your

1 own staff, that people -- we just went through
2 it. Do you want to go through it again?

3 A Well --

4 Q Let's go through it. Let's get to it.

5 A -- you could -- we could go --

6 Q I mean, this is Keva Walton's e-mail to
7 you that said people weren't getting out of
8 jail because they couldn't post a bond.

9 A Not they couldn't post a bond, they were
10 saying that the bonds hadn't been posted.

11 Q Well, let's look at it again.

12 MR. CRADDOCK: Objection; merits-based.

13 BY MR. WATSON:

14 Q You've got it over there. What number --

15 A I've got -- that's Number 274879.

16 Q What's the exhibit number?

17 MR. HORTON: It's on the front.

18 THE WITNESS: Eight.

19 BY MR. WATSON:

20 Q Okay. So what she's telling you,
21 Mr. Moore, is that -- that Odyssey is
22 responsible for feeding OMSe with court and
23 bond information; however it's not, right?

24 A She says there -- there was an error

1 during the daily conversion process that
2 caused inaccurate warrant information. It
3 didn't say it wasn't -- it wasn't -- it says
4 inaccurate warrant information.

5 Q Okay. No, I'm sorry. I apologize. I'm
6 talking about Number 1 here.

7 A Number 1.

8 Q You keep talking about somebody hands us
9 a bond so we ought to know whether there's a
10 bond or not. She's telling you that Odyssey
11 is responsible for feeding OMSe with court and
12 bond information; it is -- however, it is not,
13 right?

14 A Wait a minute. Hold on. Let me just
15 read what she's saying here that my -- works
16 well by itself, as does Odyssey, the court's
17 new system. However, these two systems were
18 not designed to work alone. Odyssey is
19 responsible for feeding OMS with court and
20 bond information.

21 Q Uh-huh.

22 A Now, when --

23 Q No, here's my question. So she says this
24 has been an issue even prior to going live.

1 This affects an inmate's release time, right?

2 A But, when she says that, she's speaking
3 out -- out of the Odyssey process which is in
4 pre-trial. She doesn't -- we -- in the jail,
5 we don't have a -- a direct link dealing with
6 a bond.

7 Q Oh, I understand. No, no, no. You're --
8 you're misunderstanding me. All she is saying
9 is because Odyssey isn't reflecting the status
10 of a bond we, at the jail, don't know that
11 status; is that correct?

12 A And --

13 MR. TRAMMELL: Object to the form.

14 THE WITNESS: And I'm going to have to
15 say -- she doesn't work in release, and here's the
16 thing --

17 BY MR. WATSON:

18 Q I'm not asking about --

19 A Well --

20 MR. HORTON: Hold on. Go --

21 MR. WATSON: Move to strike as
22 non-responsive, how about that?

23 MR. HORTON: Well --

24 MR. WATSON: Okay?

1 MR. HORTON: So are you withdrawing the
2 question?

3 MR. WATSON: Yeah. Let me ask it again.

4 BY MR. WATSON:

5 Q This is a memo from Ms. Walton, who
6 reports to you, right?

7 A No. She reports to Chief McGhee and to
8 Hammons and --

9 Q Who report to you, right?

10 A Yeah. All of them report to me --

11 Q Okay.

12 A -- yeah.

13 Q So she wrote this memo to you, and she's
14 telling you that Odyssey is not reporting the
15 bond status to the OMSe computer software,
16 right?

17 A And that's based on either communications
18 or somebody she's talked to who actually gets
19 that information, and that would be in the
20 pre-trial area or in the court area.

21 She doesn't know one way or the other
22 because she's not -- she's not even training
23 on that. She's a trainer. She's not even
24 training on that.

1 Q So she wrote a memo, and she has no idea
2 what she's talking about?

3 A Well, I'm not going to say she doesn't
4 know what she's talking about because I don't
5 know who she's talked to, but I can say that
6 based on her conversation -- she's -- she's
7 talking in general about some of the problems
8 that exist not only in the jail but throughout
9 the entire process. That's what she's doing.

10 Q Well, she's actually talking about the
11 Odyssey-OMSe system, right?

12 A She's talking about the Odyssey-OMSe
13 system, but the OMSe system is not dealing
14 with the bonds directly, so --

15 Q I understand. No, I understand.

16 A So, with her talking about it, she has to
17 be very, very limited in what she says because
18 of the fact that she don't see that.

19 Q No, I understand, but she's communicating
20 to you that the Odyssey system is not letting
21 OMSe see bond status, right?

22 A She's communicating to me that the
23 communications between the two systems is not
24 working the way --

1 Q Okay.

2 A -- that it normally would.

3 Q Okay. Got it. Good enough.

4 MR. CRADDOCK: Once again, I can't see
5 absolutely how this applies to class certification
6 at all.

7 MR. BURNS: But you won't stipulate to
8 commonality, right?

9 MR. CRADDOCK: I'm not stipulating to
10 anything.

11 MR. BURNS: Okay.

12 MR. CRADDOCK: I just want us to try to
13 follow this Court Order.

14 MR. WATSON: Bob, you -- you can keep
15 saying that or you can just object or you can
16 instruct the witness not to answer. I mean, I
17 can't -- I'm not going to respond to every comment
18 you make about whether it's not -- merits-based or
19 not. I'm just -- I'm tired of it.

20 MR. TRAMMELL: I mean, the point is we
21 think you're violating The Court's Order.

22 MR. WATSON: You can say that.

23 BY MR. WATSON:

24 Q Let's go back to -- finish up on

1 Exhibit 10.

2 A Ten?

3 Q Yes, sir.

4 A Okay.

5 Q Judge Skahan ends this with the last
6 paragraph, quote, perhaps the County made a
7 big mistake -- excuse me, perhaps the County
8 made a mistake in going to this new system.

9 There are many things broken at 201 Poplar,
10 but, to be quite candid, JSSI was not one of
11 them. Perhaps JSSI could be -- could have
12 simply been tweaked or updated a bit instead
13 of this new Odyssey system. I do not know if
14 it is possible, but I would strongly suggest
15 we consider shutting down Odyssey and turning
16 JSS back on -- I back on. The problems are
17 getting worse, and we all know that JSSI was
18 functional and it served its purpose.

19 Is that a complaint that you heard from
20 other judges, that we ought to go back to the
21 JSSI system?

22 MR. HORTON: Object to the form.

23 MR. TRAMMELL: Object to the form.

24 THE WITNESS: Yes. But understand, when

1 you ask that question of me, I had nothing to do
2 with JSSI.

3 BY MR. WATSON:

4 Q Oh, I understand.

5 A We dealt with -- you've got me confused
6 now. We dealt with JMS in the jail. That was
7 the old system --

8 Q Okay.

9 A -- for the jail. JSSI is the system that
10 communicated with JMS in the jail in the old.
11 And what the judge is basically saying, hey,
12 we need to go back to the old system until we
13 can get something really -- really smartly
14 done for the use --

15 Q Right. Well, based upon your experience
16 while this new system was coming online and
17 the complaints that you're receiving, that
18 the -- the understanding, right or wrong, by
19 the judges out there was that the new system
20 was causing these problems; is that fair?

21 MR. TRAMMELL: Object to the form.

22 THE WITNESS: I -- Attorney, I have to
23 ask one question, and I guess -- I don't want to
24 -- but I've got --

1 BY MR. WATSON:

2 Q Go ahead.

3 A Is this e-mail after the implementation
4 of the new system or is this e-mail --

5 Q Yes, sir.

6 A -- prior to?

7 Q Yes, sir, it's after.

8 A Okay. So if this e-mail is after the
9 implementation --

10 Q Yes, sir.

11 A -- then the judge is speaking based on us
12 having had all of these problems and all of
13 this new -- all of these inmates coming into
14 the jail and all of this stuff.

15 On the very day that this system went
16 into effect, I think our population -- or
17 MPD's arrests went up almost 15, 20 percent.

18 So not only did we have a new system going
19 into effect, we got a lot of persons into the
20 jail system that normally wouldn't have been
21 there, and -- so it helped to create some
22 bottlenecks. And it took us several days to
23 really kind of catch up and get that worked
24 out.

1 Q Now, of course, it's not your position
2 that the people that got arrested in these
3 saturations should not have been arrested,
4 correct?

5 A It's a matter of opinion.

6 Q Well, I mean, were you telling the police
7 not to do their job because your computer
8 system doesn't work?

9 A That's --

10 MR. HORTON: That has nothing to do with
11 class or --

12 MR. TRAMMELL: Object to the form.

13 THE WITNESS: The numbers -- the -- it's
14 like pouring all of this water into a full cup.
15 The water's got to go somewhere.

16 And what happened was is that that
17 started the biggest problem that we really had
18 to exist, and that -- I mean, that's just --
19 the facts will just prove it based on numbers.

20 There is --

21 BY MR. WATSON:

22 Q So the cup wasn't big enough?

23 A Well, the cup was big enough, which is
24 the jail, but the fact is that, for it all to

1 come in at the same time, it was just too much
2 with a brand new system starting up.

3 Q Okay. Let me show you what we'll mark as
4 Exhibit 11.

5 (Whereupon, Exhibit 11 was marked.)

6 BY MR. WATSON:

7 Q I do want to ask -- Mr. Moore, you talked
8 about that audit. I don't know -- it may
9 be -- we've got thousands and thousands of
10 documents. So at some point, either after the
11 deposition or at a break, can you maybe help
12 your lawyers find that document for us or get
13 someone to help us find where that document
14 is? Is that something you could do?

15 A Yes, sir.

16 MR. CRADDOCK: Wait a minute. Whoa,
17 whoa, whoa. What document is that?

18 MR. WATSON: He testified about an audit
19 that was done.

20 MR. CRADDOCK: Well, we'll take under
21 advisement what we'll do with our client. We'll
22 take that under advisement. We've heard your
23 request. We'll take it under advisement.

24 MR. WATSON: Okay. I don't know if

1 that's been -- if it's been produced I haven't
2 seen it. I mean, it may have been produced. I'm
3 not accusing anybody of anything.

4 BY MR. WATSON:

5 Q To whom did you provide that jail audit
6 that you did?

7 A To the various courts, to the sheriff,
8 and I know to Ms. Fessenden and to possibly
9 Steve Leech.

10 Q Okay.

11 THE COURT REPORTER: Excuse me?

12 THE WITNESS: Leech, Steve Leech.

13 MR. McLAREN: Hold on one second.

14 THE WITNESS: I think it's L-e-a-c-h.

15 BY MR. WATSON:

16 Q Well, let me just show you -- I -- I only
17 have two copies of this. Let me just show
18 you -- I haven't even gone through this
19 document, but this looks like this is a jail
20 report card. This is in April, 2017. Is that
21 the audit you're talking about?

22 A No, sir.

23 Q Okay. I didn't -- I didn't think so.

24 Okay. I'm not going to make that an exhibit.

1 So the document -- the audit that you
2 talked about were provided to the courts, as
3 you say, and to certain other persons. Was
4 there a conclusion about the audit?

5 A Yes, sir.

6 Q What was that conclusion?

7 A Well --

8 MR. CRADDOCK: Object to the form.

9 THE WITNESS: The most conclusion was
10 that, first of all, no one was lost in the jail.

11 The second was is that -- you know,
12 we were identifying who was supposed to be in
13 courts and what courts, and that was just --
14 it was -- it was just a document showing that,
15 based on what was in the system and what was
16 actually going on in the jail and the
17 information that the jail had, then -- it was
18 just kind of correcting it and putting it in a
19 format so anybody, especially the judges,
20 would be able to see what it is we were really
21 doing.

22 BY MR. WATSON:

23 Q So -- you talked about what was included
24 in the report where people should have been in

1 court. Did it reflect that they had made it
2 to court or not?

3 A A lot of the cases reflected them
4 actually going to court, and some even show
5 where they weren't even in jail based on the
6 time that they were supposed to have been
7 going to court.

8 Q Okay. Did -- was there anything else to
9 the report besides going to court? Were there
10 issues about bonds, releases, that kind of
11 thing?

12 A Bonds were -- were a part of it, but,
13 like I said, bonds were something that -- that
14 we did not deal with. We couldn't move or --
15 we couldn't stop or start a process dealing
16 with releasing a guy on a bond. I mean, bonds
17 were handled by the law enforcement side,
18 pre-trial and the courts.

19 Q Okay. In connection -- there were also
20 problems, were there not, with respect to
21 persons who had had -- either been acquitted,
22 their case had been dismissed or they had
23 been -- they had served -- they had been
24 adjudged for time served, correct?

1 MR. HORTON: Object to the form.

2 THE WITNESS: Okay.

3 BY MR. WATSON:

4 Q And -- I mean -- you say okay. Is that
5 correct?

6 A No. I was waiting until you got through.
7 You were looking at me and nodding. I was
8 trying to say, well, okay, I'm -- I'm just
9 waiting --

10 Q I get it.

11 A -- for the question.

12 Q Is it true that there were problems in
13 connection with people who were not being
14 released from jail even though their case had
15 been dismissed?

16 MR. HORTON: Object to the form.

17 THE WITNESS: You started off talking
18 about bonds, and then -- now you're going --

19 BY MR. WATSON:

20 Q We're talking about something totally
21 different.

22 A You're talking about something totally
23 different.

24 There could have and there has been

1 persons who were not released based on a
2 particular court releasing him or her, but
3 there is a full-scale check that has to be
4 done irregardless to one judge turning you
5 a loose.

6 If you're the judge and you release me on
7 that charge that's in your courtroom, when you
8 get back to jail -- first of all, your release
9 may not get back to the jail for six to eight
10 hours. It's based on when they're going to
11 bring it down and let us know that you're to
12 be released in the first place. But we're not
13 going to release you until such time as we do
14 a complete check to make sure, or ensure, that
15 there's no other warrants on your case.

16 Q All right. I'm going to move to strike
17 as non-responsive. He --

18 MR. HORTON: You've asked him this
19 question regarding what all -- with releases, and
20 now you don't want to hear his answer.

21 MR. WATSON: Well, I move that that
22 wasn't -- it wasn't the question.

23 BY MR. WATSON:

24 Q Mr. Moore, wasn't there -- weren't there

1 complaints that people aren't being released
2 because the Odyssey system wasn't reflecting
3 to OMSe that someone's case had been
4 dismissed?

5 A That --

6 MR. HORTON: Object to the form.

7 BY MR. WATSON:

Q Is that true or not?

9 A That is absolutely true. But the people
10 who are making the complaints are some of the
11 attorneys or persons who really don't know.
12 They're just saying it because of the fact
13 that it was convenient.

14 Q Well, but wasn't that true?

15 A In some cases it was. But it was not
16 true in every case.

17 Q Oh, I understand, but, I mean -- but
18 there was a problem with it -- not with your
19 jail system, but there was a problem with the
20 computer system that -- so people weren't
21 being released when they had been discharged
22 by the court, correct?

23 MR. HORTON: Object to the form.

24 THE WITNESS: Yes, sir.

1 BY MR. WATSON:

2 Q Okay.

3 A I'll make it simple.

4 MR. BURNS: Is this a good time to
5 change the tape?

6 MR. WATSON: Yeah, let's take a break.

7 He's got to change the tape, Mr. Moore.

8 THE VIDEOGRAPHER: Off the record at
9 1:36.

10 (Recess.)

11 THE VIDEOGRAPHER: We're back on the
12 record at 1:49 p.m.

13 BY MR. WATSON:

14 Q Mr. Moore, let me show you what I've
15 marked as Exhibit 11 to your deposition.
16 Exhibit 11 is SC 271455 through 57, and
17 Exhibit 11 is an e-mail from Keva Walton to
18 Amos Harrison and Shawna Webb. The subject is
19 OMS Issues. Do you see that?

20 A Uh-huh.

21 Q And the e-mail has been forwarded to you,
22 is that correct --

23 A Okay.

24 Q -- by -- Keva Walton has sent it to you,

1 Charline McGhee and -- and that's the only
2 other person; is that correct?

3 A Okay.

4 Q And there's an attached document called
5 Booking Issues. Do you see that?

6 A Uh-huh.

7 Q Who is Amos Harrison?

8 A Amos Harrison was an assistant chief
9 under me.

10 Q Okay. And what was his duties and
11 responsibilities?

12 A I'm trying to see what was his duties at
13 that time. No, he was -- yeah. Well, no.
14 Let me see here. I'm trying to see what time
15 this was. Because he was the acting Chief of
16 Security for a period of time, and then he was
17 an assistant chief in charge of
18 administrative... So this is when he was an
19 assistant chief. Yeah, he was an assistant
20 chief.

21 Q Okay. And Shawna Webb, you've told me,
22 but I've forgotten, what was she? Was she a
23 clerk?

24 A No. She was the manager for intake

1 processing.

2 Q Okay. Take a look at the -- there's a
3 document attached, this is on the second page
4 of Exhibit 11, and I'm focusing on -- the
5 middle of the document states, quote, System
6 Glitches; A, Warrants are a major issue. The
7 jail enters the warrants into the system but
8 they're not showing active. Odyssey, the
9 court system, is clearing the warrants before
10 the jail can enter the information into the
11 system. Do you see that?

12 A Uh-huh.

13 Q So what was your understanding of that
14 issue?

15 MR. TRAMMELL: Object to the form.

16 THE WITNESS: The jail enters a warrant
17 into the system, but they are not showing active.
18 I don't know what she's talking about.

19 BY MR. WATSON:

20 Q You don't understand what she's talking
21 about?

22 A I don't understand what she's --

23 Q When you got this e-mail, did you -- did
24 you communicate with Ms. Walton and say I

1 don't know what you're talking about?

2 A I probably did. And I probably referred
3 her to Chief McGhee, who was the direct
4 supervisor for Ms. Webb dealing with this,
5 because this is something that came out of
6 Ms. Webb's area.

7 Q Do you --

8 A She's saying --

9 Q -- remember that or do you just --

10 A No.

11 Q Okay.

12 A No, I don't remember it at all.

13 Q Okay. Well, let's at least try to figure
14 out what you think she's saying. She says the
15 jail enters the warrants into the system, but
16 they're not showing active. The -- or
17 Odyssey, the court system, is clearing the
18 warrants before the jail can enter the
19 information in the system.

20 Is she indicating to you -- is it your
21 understanding that she's indicating there's
22 some sort of problem with the computer system
23 with respect to the warrants?

24 MR. HORTON: Object to the form.

1 MR. TRAMMELL: Object to the form.

2 THE WITNESS: I don't know -- we'd have
3 to ask her.

4 BY MR. WATSON:

5 Q Okay. We will.

6 A Because I don't know what she's talking
7 about here.

8 Q All right. Then she says, quote, B, Case
9 information-charges are not triggering from
10 OMS, jail system, to Odyssey, court system.
11 The jail staff does not have any notification
12 of what needs to be re-entered until they
13 receive a call or an e-mail from the court
14 side. Currently we have re-entered
15 approximately 130 cases through the system
16 again, close quote.

17 So here she's communicating to you that
18 there's a problem between OMS, the jail
19 system, and the Odyssey system; is that
20 correct?

21 MR. HORTON: Object to the form.

22 THE WITNESS: That's -- well, that's
23 what she's saying, yes. And we're fully aware of
24 that.

1 BY MR. WATSON:

2 Q Okay. And so -- so what -- in order
3 to -- they can't rely upon -- strike that.

4 She's indicated that they're -- the
5 charges are not triggering from the jail
6 system to Odyssey, meaning the jail system is
7 not communicating charges from the -- from
8 OMSe to Odyssey; is that correct?

9 MR. CRADDOCK: Object to the form.

10 MR. TRAMMELL: Object to the form.

11 THE WITNESS: No, I'm not going to say
12 that's correct. The jail --

13 BY MR. WATSON:

14 Q No -- okay.

15 A The jail actually -- I'm -- I don't know
16 how she's missing -- well, she's using --
17 she's talking about Odyssey, and, upon talking
18 about Odyssey, she's talking about their
19 system not communicating with the jail system,
20 but charges are not triggered from OMS, the
21 jail system, to Odyssey, the court system.
22 The jail staff does not have any notification
23 of what needs to be -- what jail staff? What
24 jail staff is she talking -- is she talking

1 about the intake jail staff where Ms. -- Ms.
2 Webb would be the person who would have to
3 really, really address that dealing with her
4 and what is really, really going on with OMSe.

5 Now, what's going on with Odyssey, Ms.

6 Webb doesn't have the authority to start
7 questioning or talking to them. She's got to
8 get with someone in the court clerk's office
9 to identify what the problem is there, and,
10 based on them getting together, then
11 whomever -- the Odyssey manager, or person in
12 charge, Ms. Webb and Keva Walton have to get
13 with Chief McGhee in order for them to sit
14 down and discuss what is going on. And if I
15 need to get involved, then I will, but I
16 wouldn't have gotten involved with this until
17 Chief McGhee --

18 Q Okay. I move to strike as
19 non-responsive.

20 Here's my question, suffice it to say,
21 Keva Walton is telling you that there's an
22 issue with respect to the OMS communicating
23 with Odyssey; is that fair enough?

24 MR. HORTON: Object to the form.

1 THE WITNESS: Keva Walton is sending me
2 an e-mail -- or a copy of an e-mail -- she's
3 really not telling me -- she's sending me a copy
4 of an e-mail that she's sending to the people who
5 are in charge of that process that she's dealing
6 with to just let me know what it is that she's
7 doing. Now --

8 BY MR. WATSON:

9 Q And she's indicating to you that charges
10 are not triggering from the OMS system to
11 Odyssey, correct?

12 A That's what she's saying, yes.

13 Q Okay. And -- so she -- because of that
14 there has to be re-entry of data, right?

15 A Now, that's the key, I think, for her,
16 dealing with what's going on here. They're
17 re-entering data that has to be dealt with on
18 a second and a third time.

19 Q Right.

20 A Well, that's a Chief McGhee issue, and --
21 and that's nothing new. It's not something --
22 and I'm pretty sure that the numbers have
23 increased based on us doing it because of the
24 fact that the inmate numbers have increased a

1 lot. But the fact is that why this -- why is
2 this happening, then, yes, I -- who knows.

3 Q Well, my point being here is that she's
4 indicating to you that, in order to get the
5 correct information, the jail is having to
6 make phone calls or get e-mails in order to
7 get -- from the court side to get that
8 information, correct?

9 A Yes, I'm sure -- yes.

10 Q Okay. In other words, we can't rely upon
11 the computer system, we're going to have to go
12 back to sort of an older way of doing things,
13 correct?

14 MR. HORTON: Object to the form.

15 MR. CRADDOCK: Object to the form.

16 THE WITNESS: Okay.

17 BY MR. WATSON:

18 Q All right. Let's go -- the last one here
19 is Release Issues. Quote, A, Case information
20 is being entered into the court system,
21 Odyssey, but the jail is not receiving some of
22 the paperwork, which will hold an inmate in
23 jail until we receive the release, close
24 quote.

1 So she's telling you that Odyssey isn't
2 reporting to the jail about -- about case
3 information; is that correct?

4 MR. TRAMMELL: Object to the form.

5 MR. HORTON: Object to the form.

6 THE WITNESS: She's addressing that
7 Odyssey is a part of the problem that information
8 is not -- all the information that we need to
9 release the inmate is not present.

10 BY MR. WATSON:

11 Q Okay.

12 A So he's not or she's not going to be
13 released until such time as that happens.

14 Q Right. And that was a computer problem,
15 right?

16 MR. TRAMMELL: Object to the form.

17 THE WITNESS: In some cases, yes.

18 BY MR. WATSON:

19 Q Well, in all the cases, right?

20 A No.

21 Q Do you have any -- do you have any
22 information that any individual was not
23 released because of human error rather than
24 the computer?

1 MR. TRAMMELL: Object to the form.

2 THE WITNESS: I -- I can assure you that
3 there are a number of errors. We're releasing --
4 there are errors that people are being -- there
5 are records -- there are records in the jail and
6 disciplinary histories for staff that have
7 released persons in error and released persons --
8 or not released persons when they should have
9 released them.

10 BY MR. WATSON:

11 Q Okay. Move --

12 A And it had nothing to do --

13 Q Move to strike as non-responsive.

14 My question is do you have -- again --
15 strike that.

16 Ms. Walton here is communicating to you
17 that there are computer errors that are
18 happening, not human errors, right?

19 A She's addressing the computer errors
20 here.

21 Q Okay.

22 A But there -- and she knows that there are
23 other errors as to why it happened.

24 Q And -- right. But the vast -- but the

1 problem that everybody has talked about, the
2 judges are talking about, your staff is
3 talking about, is not somebody screwed up and
4 didn't put the data in correctly, right?

5 A Okay.

6 Q Is that correct?

7 A I'm not going to say --

8 MR. CRADDOCK: Object to the form.

9 THE WITNESS: Our problem was --

10 whatever the issue is, that's what we needed to be
11 dealing with.

12 The computer was part of the issue,
13 but I just cannot tell you rightfully that --
14 and professionally that the computer was the
15 only issue that we were having dealing with
16 releases and warrants and everything else.

17 BY MR. WATSON:

18 Q Suffice it -- it was the only issue you
19 were dealing with, correct?

20 MR. HORTON: Object to the form.

21 THE WITNESS: When you say me --

22 BY MR. WATSON:

23 Q Right. I mean, you were addressing this
24 from a computer standpoint, correct?

1 MR. CRADDOCK: Object to the form.

2 THE WITNESS: I was addressing this --

3 MR. CRADDOCK: That's totally
4 inconsistent with his testimony. You can lead,
5 but let's try to be consistent.

6 MR. WATSON: I'm asking questions.

7 BY MR. WATSON:

8 Q Go ahead. Well, let me ask it again.

9 A Okay.

10 Q What Ms. Walton is talking to you about
11 is not, oh, we've got problems because our
12 staff at the jail can't enter data correctly
13 or the staff at the clerk's office can't enter
14 data correctly; is that fair?

15 A That's fair for what Ms. Walton is
16 talking about.

17 Q Okay. Now -- and you perceived this to
18 be a computer systemic problem, just like you
19 told the reporter on Action News 5, right?

20 MR. TRAMMELL: Object to the form.

21 MR. HORTON: Object to the form.

22 THE WITNESS: There is a problem with
23 the system, but --

24 BY MR. WATSON:

1 Q All right.

2 MR. CRADDOCK: Let him finish.

3 THE WITNESS: But there were problems we
4 identified to that were outside of the system as
5 well.

6 BY MR. WATSON:

7 Q What were those problems?

8 A Well -- errors, persons, training, people
9 not getting the proper information to handle
10 what it was that they were supposed to -- even
11 though it was there.

12 There were cases where staff was actually
13 trained to do certain things and that staff
14 left. So now you've got to put someone else
15 there, short-staffed.

16 There were -- there were a number of
17 issues that we addressed, but 90 percent -- or
18 90 percent of our conversation about what our
19 issues were was based on what other people
20 were saying, so we had to follow their line,
21 and that was the computer.

22 Q Well, did anyone, to your knowledge, ever
23 tell the commissioners of Shelby County that
24 this was a personnel issue, not a computer

1 issue?

2 A The commissioners have --

3 MR. HORTON: Object to the form.

4 MR. TRAMMELL: Object to the form.

5 THE WITNESS: The commissioners were
6 fully aware that we were short-staffed.

7 BY MR. WATSON:

8 Q Well, I mean, again -- my question was,
9 to your knowledge, did anybody ever tell the
10 commissioners of Shelby County that, gee, the
11 problems we're experiencing aren't
12 computer-related, they're really
13 staff-related?

14 MR. HORTON: Object to the form.

15 THE WITNESS: The -- the commissioners
16 were told that there were computer problems and
17 there were personnel problems, yes.

18 BY MR. WATSON:

19 Q Who told them that?

20 A The -- the persons that were in the
21 meetings.

22 Q Do you know who these people are?

23 A I would have been one of them, yes.

24 Q And you -- you specifically told the

1 commissioners that you're understaffed and
2 this is why this problem is happening?

3 A I -- I directly told certain
4 commissioners, or specific commissioners, that
5 we've had -- we've got problems and those
6 problems are centered around some of our staff
7 issues.

8 Q Now, you talked about training and lack
9 of training. Tell me a little bit about that.
10 What -- you understood that the people weren't
11 trained and ready to implement this new
12 software?

13 MR. HORTON: Object to the form.

14 THE WITNESS: Well, the persons were
15 trained, and, in certain areas of their training,
16 or on the modules that they were trained on, it
17 identified certain -- certain aspects of the
18 system that should do certain things.

19 And, when we got the system up and
20 running, or when it was implemented, those
21 things -- even during some -- during the
22 training processes those very systems, or
23 those very modules, or those very parts of the
24 operation, they didn't work or they didn't

1 even exist in the -- in the system.

2 So if I train you on a module to do
3 a particular thing and then, when you get to
4 the floor, you go on a computer and it doesn't
5 exist, now what you're doing is you're kind of
6 confused.

7 And if you're confused based on
8 looking for what it is you were trained to do
9 and it's not there, now you're really, really
10 going -- the average officer, or the average
11 person, is going to try and, let's just say,
12 work around that, try and make it happen
13 without it.

14 Now, what you're doing is you're
15 confusing the system or you're helping
16 yourself to really create a problem, and you
17 can -- so it -- it's a lot more than just --
18 just saying that one element of this process
19 is the -- the culprit that made everything
20 fall apart. There were several.

21 BY MR. WATSON:

22 Q So you had training, but -- not just
23 training, but the actual implementation of the
24 software wasn't showing up -- showing up

1 issues -- or showing up, as you say, modules
2 that -- that the staff could access to resolve
3 a problem?

4 A Not all of them, no.

5 Q Okay. So, again, that's a computer
6 problem, right?

7 A It's a computer problem, yeah.

8 Q Okay.

9 A It's an issue.

10 Q Now, let's -- let's finish up on
11 Exhibit 11 here. She goes on to say, quote,
12 bond information in Odyssey, the court system,
13 is not matching what is showing in the jail
14 system, OMS. Jail staff cannot release any
15 inmate without the proper documentation. Do
16 you see that?

17 A Uh-huh.

18 Q And that's the second to -- that's the
19 middle page there, I'm sorry, on the last
20 statement there.

21 A Uh-huh.

22 Q So -- so, again, Ms. Walton is telling
23 you that -- that -- what you, I think, have
24 said before, that the -- Odyssey is not

1 reflecting the information it has on bonds to
2 the OMS system; therefore, your -- your jail
3 can't release people that ought to be
4 released, fair enough?

5 MR. TRAMMELL: Object to the form.

6 THE WITNESS: I don't want to -- she
7 uses the term bond information in Odyssey, the
8 court system, is not matching -- the court system
9 is not matching what shows in the jail system.

10 Now, Odyssey, when the release
11 officer -- or clerk, because it's not an
12 officer, the release clerk goes into the
13 system to identify all of the matching parts
14 that must be in place to release, they're not
15 there.

16 Now, all of them aren't necessarily
17 coming out of Odyssey. They are -- they are
18 researching for warrants that may be coming
19 from, you know, somewhere else. I -- it could
20 be out of Germantown. I don't know where it
21 could be from.

22 But the problem is that wherever
23 they find that there's a negative piece on
24 that particular individual, and even though he

1 or she has been identified by you, Judge Milk,
2 to be released, he or she cannot be released
3 because of the fact that all of these
4 others -- or this other one particular issue
5 says that, hey, this has not been resolved so
6 it's got to wait.

7 BY MR. WATSON:

8 Q All right. I appreciate that statement.
9 What she is saying is the one piece of
10 information that's not being completed in OMS
11 is what the bond status is in the court,
12 correct?

13 A Okay. That's what she says.

14 Q Right. And, therefore, your jail can't
15 release people that ought to be released,
16 right?

17 A My jail would not release people because
18 of the fact that the information in the
19 system --

20 Q Is incomplete?

21 A -- the entire system, not just the
22 Odyssey system, but the entire system was
23 incomplete.

24 Q Right. But what she's telling you, on

1 people that aren't being released, is that
2 Odyssey isn't telling your staff, at the OMS
3 level, whether -- the status of that bond
4 so --

5 A She's talking about OMS and not the
6 entire system.

7 Q Okay. You say the entire -- what else is
8 the system other than --

9 A Well --

10 Q -- Odyssey and OMS?

11 A Well, it could be a warrant out of -- out
12 of New York City.

13 Q Okay. I get it. Okay. But she's just
14 talking about with respect to bond.

15 MR. CRADDOCK: Wait a minute. I object.
16 You're asking her -- him what somebody that's not
17 in the room means --

18 MR. McLAREN: Note your objection. Go
19 ahead.

20 MR. CRADDOCK: Well, I mean --

21 MR. McLAREN: You don't have to help him
22 with his answer.

23 MR. CRADDOCK: Well, I -- I object to --

24 MR. WATSON: He got this memo. I

1 mean -- okay.

2 MR. CRADDOCK: It says what it --

3 THE WITNESS: And I probably addressed
4 it, but I didn't address it, you know, to you. I
5 addressed it directly --

6 BY MR. WATSON:

7 Q No, I get it.

8 A -- to her.

9 Q Your understanding is that she is
10 informing you that there is a problem, on
11 releasing inmates, because Odyssey is not
12 telling your jail and its software system that
13 those persons have or have not posted a bond,
14 correct?

15 MR. HORTON: Object to the form.

16 THE WITNESS: One of the issues, yes,
17 sir.

18 BY MR. WATSON:

19 Q Okay. Now, we talked about that some
20 people that get arrested and brought to Shelby
21 County Jail, after the implementation of the
22 new computer system, have charges that carry
23 preset bonds; is that correct?

24 A Okay.

1 Q I mean, some do, right?

2 A Okay. Yes.

3 Q And a preset bond is a bond that is -- if
4 a person can post that, they're automatically
5 posted out of bail -- out of jail, right?

6 A Yes, sir.

7 Q Okay. And we've talked that there were
8 problems with the computer system reflecting
9 whether anyone had a preset bond or not; is
10 that correct?

11 A Yes, sir. We were told that, yes, sir.

12 Q Okay. And -- do you know how many people
13 that affected where the computer system would
14 not reflect whether they were entitled to a
15 preset bond or not?

16 A No, sir. That would be through JMS --
17 not JMS. I'm sorry. You're getting me
18 confused now. That would be through
19 pre-trial, and that would be through Odyssey.

20 Q Okay. So -- but I guess my question is
21 do you know whether it happened to 10 people,
22 a hundred people, 50 people? You don't know
23 either way?

24 A No, sir.

1 Q Okay.

2 A No, sir.

3 Q All right. And -- were there problems
4 also with people who had not -- I think the
5 answer is yes, but were there problems also
6 with people who had been charged but had --
7 but their charge had no preset bond so they
8 needed to go to court to get a bond? Was
9 there a problem with that at all?

10 MR. HORTON: Object to the form.

11 THE WITNESS: Well, when you ask that
12 question, I would have to refer that to -- to
13 pre-trial and to those persons who would help set
14 bond.

15 But you've got to understand the
16 commissioner can set a bond. So a person
17 could get a bond set through the commissioner,
18 and -- and that bond would flow over to
19 pre-trial, and at that -- as that person is
20 moved into the jail -- because that's going to
21 happen in police holding. So --

22 BY MR. WATSON:

23 Q You're saying a commissioner of Shelby
24 County can set a bond?

1 A Yeah. He can release a person if he
2 wants to.

3 Q In your entire career, has any
4 commissioner ever issued a bond for a criminal
5 defendant?

6 A When you say criminal, what are you
7 talking about?

8 MR. HORTON: I think you're confusing it
9 between a Shelby County Commissioner and the
10 commissioners he's think -- talking about.

11 BY MR. WATSON:

12 Q Who are you talking about?

13 A I'm talking about the justice system
14 commissioners.

15 Q Commissions?

16 A Commissioners has --

17 MR. HORTON: Judicial commissioners.

18 THE WITNESS: Judicial commissioners --

19 BY MR. WATSON:

20 Q Oh, judicial commissioners. Okay.

21 A -- has to sign --

22 Q No, I get it. All right. So here -- my
23 question to you is, we've heard there were
24 complaints where people weren't brought before

1 a judicial officer, whether it's a
2 commissioner, a judge or whatever, so that
3 they could have a bond set. Has that been
4 part of the problem?

5 A No, sir, I cannot see that as being a
6 part of the problem because every arrest has
7 to go before a judicial commissioner.

8 Q Okay. So within how many -- within how
9 long before -- within their arrest? That's a
10 bad question. When do they have to go before
11 the judicial commissioner?

12 A Once he's brought into the jail -- once
13 he's brought into the police holding part of
14 the jail, they have to take him to the
15 judicial commissioner for the commissioner to
16 approve the arrest.

17 Q Okay. And -- you say approve the arrest.
18 Is that a probable cause hearing?

19 A Yes.

20 Q Okay. And the -- you have to go through
21 intake first, is that correct, before you do
22 that?

23 A No. That happens prior to you going into
24 intake.

1 Q Okay. Now -- because I've heard -- you
2 know, there's a gentleman named Earle
3 Farrell -- do you know him?

4 A Yeah. He used to be the PO for the
5 sheriff.

6 Q Right. And he made a comment -- do you
7 remember he made a comment to the effect that
8 it was taking six, seven times longer in
9 intake with respect -- after the new computer
10 system came on board?

11 A It takes six or seven hours longer for
12 what?

13 Q For -- for you to do an intake process at
14 the jail.

15 A Well --

16 Q I'm just -- do you recall him saying
17 that? I'm not --

18 A No, I don't recall him saying that.

19 Q Okay.

20 A But --

21 Q Did you find that to be the case?

22 A Well, anytime you get more than you
23 normally would get, yes, it took -- sometimes
24 it took longer, yes. I -- I mean, that's

1 an --

2 Q But the intake problem wasn't just
3 because the police department went out and
4 arrested a bunch of people, it was because of
5 the computer system, right?

6 MR. TRAMMELL: Object to the form.

7 THE WITNESS: Well, I think it was a
8 multitude of problems that existed at the same
9 time.

10 You think about it. The large
11 number of arrests came -- the largest number
12 of arrests came at the very same time that you
13 implemented the new system. So you -- you
14 think about it, with all of the new people
15 dealing with a brand new system and now you're
16 getting this large influx -- yeah, we've had
17 influxes before, but the fact is that we were
18 dealing with them on a normal basis dealing
19 with our system, but now we've got a new
20 system, so it -- everything just helped to
21 create some problems.

22 BY MR. WATSON:

23 Q Now, we talked about persons that were --
24 that were not released because they had

1 already posted a bond. Do you know how many
2 people that affected?

3 A Not really. But I can assure you that,
4 based on some of the audited information and
5 our research, it was not nearly as many as
6 persons said it was.

7 Q As who said it was?

8 A Persons. Attorneys, you know, people who
9 created some of the -- I --

10 Q That's just -- is that speculation on
11 your part?

12 A No. I think it's a fact on my part.
13 And, when I say I think it's a fact on my
14 part, when you go back and you look at some of
15 the particular cases and you look at the
16 persons, you'll find that there -- there's a
17 lot of myths, a lot of statements that are
18 made.

19 Q Okay.

20 A But there are no -- there's no facts to a
21 lot of those statements.

22 (Whereupon, Exhibit 12 was marked.)

23 BY MR. WATSON:

24 Q Let me show you what we'll mark as

1 Exhibit 12. This is an e-mail from Phillip
2 Harvey to Jack Green, and then it's CC'd to a
3 number of other people. Do you know who Jack
4 Green is?

5 A I know his name. I met with him a
6 couple -- not met with him, but was in
7 meetings with him, yes.

8 Q Okay. What does -- what does he do?

9 A He works for the Shelby County IT
10 Department I think.

11 Q Okay. And Harvey Phillip, do you know
12 who he is?

13 A No, I --

14 Q Or Phillip Harvey. I'm sorry.

15 A Phillip Harvey? I don't know Phillip
16 Harvey.

17 Q And, I'm sorry, for the record -- this is
18 Exhibit 12; is that right?

19 MR. McLAREN: Yes.

20 MR. BURNS: Correct.

21 BY MR. WATSON:

22 Q Exhibit 12. And it's SC 076290 through
23 292.

24 Do you know anybody else that's listed on

1 this -- getting the CC on this e-mail?

2 A No.

3 Q Okay. So you believe Jack Green is part
4 of the IT department of Shelby County --

5 A Yeah, he's -- yeah, I know he works in
6 Shelby County Government. I think it's in the
7 IT department. I think. I know I've seen him
8 before.

9 Q All right. Well -- here's what I want to
10 focus in on. He states, quote, Jack, I have
11 not received information that any of the
12 following people are still in jail, but
13 according to Sherrye, somebody in -- at the
14 County Sheriff IT-PD meeting yesterday said
15 that 40 people -- plus people were found still
16 in jail after having their cases dismissed,
17 close quote. Do you see that?

18 A Okay.

19 Q Do you have any factual knowledge or
20 basis to dispute that statement?

21 A Well, when you read this statement, it
22 says having their, and I guess they were
23 talking about their individual cases
24 dismissed. They don't reference the fact that

1 they had other cases in other courts that were
2 not dismissed. So they're only talking about,
3 I guess, what they identified to. I don't
4 know here. I just can't -- I can't speak to
5 this.

6 Q Well, no, I appreciate that.

7 MR. CRADDOCK: I object. He's not --
8 he's not even copied on this e-mail.

9 MR. WATSON: So what?

10 MR. CRADDOCK: I just don't think it's
11 proper to ask him about what somebody else is
12 saying.

13 BY MR. WATSON:

14 Q All I'm asking, Mr. Moore, is do you --
15 are you in a position to dispute the statement
16 that 40 plus people were found still in jail
17 after having their cases dismissed?

18 A I -- I'd have to -- I'm not going to
19 dispute it, but I'm not going to agree to it
20 because of the fact that I would have to go
21 and research every one of these cases and
22 identify to all of the issues that goes around
23 someone being released, not just this one
24 charge.

1 Q Oh, no, no, I'm not asking you to agree
2 with that. I'm just asking if you have any
3 other information that that's really wrong?
4 You know, we've got a number of individuals on
5 this list here that someone has gone through
6 and is indicating -- suffice it to say,
7 they're indicating they shouldn't be in jail;
8 is that fair?

9 A I guess so.

10 Q Okay.

11 A Well -- and let me ask you to do
12 something. Read the last -- the last
13 paragraph of that very statement. I don't
14 know who this is speaking. It says the
15 following clients probably should no longer be
16 in custody in General Sessions 9 cases, but
17 because they weren't my cases, I'm not sure if
18 they got time served or sentenced to the Penal
19 Farm.

20 So -- so it's kind of like, you know,
21 everybody is speaking, but nobody is fully
22 going through the process to ensure that what
23 they're saying is absolutely the truth.

24 Q Well, no, no, all -- my only point is

1 that -- that the computer problems, with
2 respect to releasing inmates who have
3 alleged -- who are alleging that they were
4 over-detained, you don't have any idea what
5 that number is one way or the other --

6 A No, sir.

7 Q -- is that fair?

8 MR. HORTON: Object to the form.

9 THE WITNESS: No, sir.

10 (Whereupon, Exhibit 13 was marked.)

11 BY MR. WATSON:

12 Q Okay. I'm going to show you Exhibit 13.
13 Exhibit 13, which is SC 274901 through 4902,
14 this is an e-mail from -- that you received,
15 an e-mail string; is that correct?

16 A Uh-huh.

17 Q And -- there's an e-mail from a Mearl
18 Purvis at the very back page. She's a
19 reporter here in town; is that correct?

20 A Okay.

21 Q And Mearl Purvis is indicating that,
22 quote, this is a senior of -- U of M student
23 that needs help getting processed out of jail.
24 She got stuck in the computer -- in the jail

1 computer system. She is threatening to
2 lose -- she is threatening to lose her
3 internship at IP. Her December graduation is
4 in trouble. She was cleared this morning, but
5 the release process is taking up to three
6 days. Can you help at all. I have her
7 release papers from jail east and can get to
8 you immediately or just tell me where I can
9 turn for -- to help her. And this goes to a
10 Steve Shular. Do you know a Steve Shular?

11 A He was the PO for the former mayor,
12 County mayor.

13 Q PO, what do you mean by that?

14 A The public an --

15 Q Okay.

16 A Public information officer for the --

17 Q Okay. And --

18 MR. BURNS: Public what?

19 THE WITNESS: The public information
20 officer for the former mayor, Mayor Luttrell.

21 BY MR. WATSON:

22 Q And -- so he replies back, Steve --
23 excuse me. I'll be glad to check. What is
24 her name and booking number. And -- then this

1 is forwarded on by Gloria to -- strike that.

2 This is from Gloria Morris. Again -- who is
3 Gloria Morris? Do you know who that is?

4 A She was the clerk for the sheriff's
5 office. She was directly the clerk for the
6 sheriff, information clerk.

7 Q Information clerk?

8 A Yes. For the sheriff.

9 Q Okay. And -- and she states, quote,
10 Steve, I'll see what I can do, but everyone
11 knows the system is having problems. Is that
12 right?

13 A That was her answer, yes.

14 Q Okay. And so -- then you took the
15 e-mail, and you said we're working on this, I
16 will call you later; is that correct?

17 A Yes.

18 Q And this is -- the inmate was Denisha
19 Malone. So -- so someone was stating
20 that she was stuck in the jail because of the
21 computer system; is that correct?

22 A Well, that's what it started off to be,
23 and I can't recall directly dealing with it,
24 but I can assure you that this was resolved.

1 Q No, I think it was. I'm not saying it
2 wasn't.

3 A And whether it was the computer or
4 something else I really can't say.

5 (Whereupon, Exhibit 14 was marked.)

6 BY MR. WATSON:

7 Q Let me show you Exhibit 14. This is
8 Exhibit 14, which is a follow-up to that
9 e-mail. And -- you're following up, and you
10 indicate, on November the 17th, back to Steve
11 Shular, the public relations officer for Mayor
12 Luttrell, Steve, we have to go to court to get
13 the paperwork. Again -- thanks again for the
14 heads-up.

15 So your office was going to have to go to
16 court to get the paperwork; is that correct?

17 A Yes, sir.

18 Q Okay. You couldn't rely upon the
19 computer system to get her out because the
20 computer system didn't accurately reflect the
21 information; is that fair?

22 MR. HORTON: Object to the form.

23 THE WITNESS: I -- now, that -- I
24 mean -- that could be perceived, but I don't know.

1 We may have had what we needed to make ourselves
2 say we've got to go back to court. I don't really
3 know what -- what the reason is here, but we -- we
4 have identified that we've got to go back to court
5 to deal -- to get the paperwork or to deal with
6 that particular case. We may have had something.
7 I don't know.

8 BY MR. WATSON:

9 Q Well, you said we -- we have to go to
10 court to get the information.

11 A To get the paper -- no, I said the
12 paperwork.

13 Q Okay.

14 A And the paperwork that I would be
15 referencing to is her release. Because that's
16 what this whole general conversation is about.
17 So I need to go to court and find out what is
18 going on with this person.

19 Q Right. You couldn't check the computer,
20 you had to go to court?

21 A It may not have been in the computer.

22 Q Well -- and, therefore, she wasn't
23 released, right?

24 A And she wasn't released --

1 Q Right.

2 A -- so -- so -- you know, it may be that
3 the court clerks didn't put it in there. I
4 don't know.

5 Q Okay. What was that, 14?

6 MR. BUNDREN: Mr. Watson, Brandon
7 Bundren again. What's the Bates number on that?

8 MR. WATSON: Oh, I apologize, Brandon.
9 Yeah, that is SC 050263 through 264.

10 (Whereupon, Exhibit 15 was marked.)

11 BY MR. WATSON:

12 Q I'll show you Exhibit 15. And this is an
13 e-mail from Gloria Morris to you and others
14 dated November the 17th, and she states,
15 quote, Steve, I got back from GS Court. After
16 checking -- after the clerks checking, I was
17 told Ms. Malone can be released after
18 3:00 p.m. She is not back from court yet. Do
19 you see that?

20 A Yes.

21 Q So suffice it to say, somebody had to go
22 to court and get information so that she could
23 get out of jail, correct?

24 MR. HORTON: Object to the form.

1 THE WITNESS: Now, the question is --
2 and -- yes, that says it, but the question is why
3 would she have to go back to court if she was
4 already being released -- or to be released.

5 And then it says that she couldn't
6 be released until after 3:00. Why after 3:00
7 if she's already supposed to be released?

8 She had to go back to court for
9 something, and I don't know what she had to go
10 back to court for.

11 BY MR. WATSON:

12 Q Well, suffice it to say, the computer
13 wasn't reflecting that she could be released,
14 correct?

15 A Well --

16 Q Or she would have been released, right?

17 A Well, the computer -- according to -- to
18 the first e-mail, yes, she was ready for
19 release based on that court. It don't say
20 what division she had to go back to. So she
21 may have to go back to another division in
22 order that she be released. I don't know
23 where she had to go.

24 But yet, upon her going back, she's not

1 back from court yet. So she was in court for
2 some -- she had to go back to court for some
3 reason. And -- I don't know. I don't want to
4 say it was Odyssey or it was the warrant. I
5 don't want to say anything that I don't have
6 the facts before me to say that it was.

7 MR. WATSON: Ladies and gentlemen, why
8 don't we take, like, a 15 minute break because I'm
9 going to go through this, and I may only have,
10 like, 20 minutes, 30 minutes left, and we can get
11 out of here. Is that okay with y'all?

12 MR. HORTON: That's fine.

13 THE VIDEOGRAPHER: We're off the record
14 at 2:27 p.m.

15 (Recess.)

16 THE VIDEOGRAPHER: We're back on the
17 record at 2:39 p.m.

18 BY MR. WATSON:

19 Q Mr. Moore, did you ever determine how
20 many inmates, if any, were adversely affected
21 by the new computer system?

22 MR. TRAMMELL: Object to the form.

23 MR. HORTON: Object to the form.

24 THE WITNESS: No.

1 BY MR. WATSON:

2 Q Okay. So the audit you talked about
3 didn't -- didn't get into that?

4 A I'm -- I'm sure that the audit will give
5 you some -- some numbers, but memory-wise, for
6 me to say how many would be whatever, no, I
7 can't -- I can't do that.

8 Q Do you have a personal belief how many
9 people?

10 A No.

11 Q Okay. Let me mark Exhibit 16 to your
12 deposition.

13 (Whereupon, Exhibit 16 was marked.)

14 BY MR. WATSON:

15 Q Exhibit 16 is an e-mail from you dated
16 December 7, 2016 to Chris Floyd, and the
17 subject is Jail Booking Time Report. Do you
18 see that?

19 A Uh-huh.

20 Q And you say, quote, we have founded that
21 to be a problem in the jail also. I have
22 talked with Ed and have advised that sometime
23 ago this process was agreed on. I have asked
24 that we look at ongoing -- at going back to

1 the old, but I was told that we could not,
2 close quote.

3 So had you asked someone about could you
4 go back to the old computer system rather than
5 rely upon the new computer system?

6 A I'm trying to read this to make sure that
7 that's what this conversation was about.
8 Because it doesn't start off addressing
9 computers. It talks about time reports, and
10 that was a -- that was a process that we
11 actually dealt with every month.

12 MR. BUNDREN: Mr. Watson, what's that
13 Bates number, please?

14 MR. WATSON: Oh, I'm sorry. Exhibit 16,
15 SC 054284 through 85.

16 BY MR. WATSON:

17 Q Well, let me help you. Let's go to the
18 last page of the e-mail --

19 A Okay.

20 Q -- first. This is the second page of
21 Exhibit 16, and this is an e-mail from Ed
22 Raper to you that states, quote, Chief Moore,
23 I'm following up on our conversation from
24 yesterday regarding who approved the changes

1 to jail booking process. Below is from the
2 minutes of the OMSe steering committee. I've
3 attached the minutes from both the steering
4 committee and the project working group, they
5 recommended the change, meeting in case you
6 want to review who was in attendance. As I
7 said yesterday, the expectation is that after
8 a couple of months we can then establish a
9 baseline from when someone gets booked to when
10 they complete medical, time from booked to
11 when they complete IDFP, et cetera. These
12 times will not directly compare to previous
13 booking time reports, but the objective will
14 still be achieved, close quote.

15 Does that statement refresh your memory
16 with what you were concerned about?

17 A Yes. This is really -- this really has
18 not a lot to do with OMSe. This is something
19 that every month we did a report -- and, when
20 I say we, Ms. Floyd would do a report giving
21 us the booking times that went from day one of
22 that report to day 30 or day 31 based on the
23 30 days. This happens every month.

24 And this was happening so that we could

1 identify as to whether or not we were moving
2 forward in our booking times or we were
3 slowing down in our booking times.

4 And our booking times dealt with medical,
5 it dealt with dressing, the inmate dressing,
6 showering, things of that caliber. It
7 addressed with -- it addressed pre-trial. It
8 addressed mental health. It addressed --

9 Q Help me out because I'm a -- I'm a
10 neophyte. What is a booking time? What does
11 that mean?

12 A Booking time, how much time does it take
13 to book one inmate throughout the entire
14 system and move him out of intake to housing.

15 Q Okay. So he's brought by a squad car
16 to -- take me through the process. He's --

17 A Okay. He's brought by a squad car, and,
18 once he's brought by a squad car, he's
19 actually taken to police holding. Police
20 holding is not -- it's supervised by the jail,
21 but it's ran by the law enforcement agencies
22 that's arresting those inmates.

23 In that particular area, that's where
24 your -- your commissioner is. That's where

1 your warrant officers are, which would be the
2 sheriff's office. They've got their own
3 window there.

4 Once that process is completed, or once
5 they complete that process, then they will go
6 to our window, which is called the booking
7 window, and then the person is actually booked
8 into the jail per se. He's not brought into
9 the jail. He's booked into the jail.

10 Now, he may sit in that area -- he could
11 sit in there for as long as the officer wants
12 him to sit there based on whatever they've got
13 going on. But, until he comes through the
14 double doors, and that's what we call it, the
15 double doors, into the police -- I mean into
16 the booking area -- his time doesn't start
17 until he gets there.

18 And, once he gets there, then he's going
19 to go to a counter whereas all of his
20 properties that were taken away from him is
21 brought over, and then he's going to be
22 processed into the jail, fingerprinted, so
23 forth. All his property is going to be
24 documented, and he's going to be searched

1 again. Because he was searched on the other
2 side, but he's going to actually be searched
3 again. And now we're starting the process for
4 actually that inmate coming into the jail.

5 Now, he's going to be there a while
6 because of the fact that he's got four or five
7 different elements in that area that he's got
8 to go to. He's got to go to medical. He's
9 got to go to pre-trial. He's got to go to
10 mental health. He's got to go to processing,
11 which is when we are going to sit him down.

12 And -- so there are at least four, maybe
13 five, areas that he's going to have to go to.
14 And he leaves one, and it's going to show in
15 the computer that he's left that one and now
16 he's ready to go to the next one.

17 And they're -- they're numbered as to
18 where he goes. Medical is number one because
19 of the fact that, you know, we want to kind of
20 identify his medical situation before we do
21 anything else with him.

22 So he could be in intake anywhere from
23 three hours to eight or nine hours. It's
24 according to what's going on and how -- how

1 many -- how many other persons are in there
2 and what is going on with them.

3 So, when we start talking about booking
4 time, it's our trying to control the
5 numbers -- the normal number of persons that's
6 coming through and move them through in a
7 timely manner and a swift and safe manner.

8 And this is the way we were doing that.

9 And, when we had these booking time
10 meetings, everybody that's in those areas
11 would be in that meeting. And Ms. Floyd was
12 the lead person for those particular meetings.
13 And that's why we -- we dealt with that.

14 Q Okay. If you look at the next page of
15 Exhibit 16, she states, in the middle there,
16 quote, Defendants can be moved from the intake
17 to housing bypassing pre-trial on the OMSe
18 workflow queue now. Previously pre-trial was
19 in line as a mandatory stop/clear before
20 classification could house the defendant. The
21 OMSe workflow has pre-trial as a separate
22 page, and thus defendants can go from medical
23 to classification without going through
24 pre-trial. It gets them to housing faster in

1 some cases, but it also requires that
2 pre-trial call them back around for an
3 interview for bond setting. This means
4 deputies will have to go to either send or
5 escort them back. Much more time intensive
6 overall. Do you see that?

7 A Yes.

8 Q So was she indicating that the new
9 computer system was increasing the booking
10 times?

11 A She was -- in just this, she's saying
12 that there have been some discussions or
13 there's been some agreements to do some things
14 differently from what we were normally doing,
15 and she's identified that it's not the best
16 way for us to do it.

17 It really was not about OM -- it was
18 about what we were doing and what we were
19 about to do to -- let's just say to address
20 some OMSe wants or would like to have, and
21 she's identified that, no, this is not the
22 best thing to do because of the fact that in
23 the back room or -- as you move forward, it
24 may move faster on the front-end, but then

1 you're going to have to go back later on and
2 pull some of those same persons back into the
3 intake processing area and take care of them
4 in a whole different manner.

5 Q Okay. Well, now let's go back -- now
6 that we have that context, let's go back to
7 what you said here. You said, quote, we have
8 found that to be a problem in the jail also,
9 close quote. What did -- what was that
10 problem? Was it the OMSe workflow?

11 A Where are you seeing...

12 Q At the very top -- at the very top of
13 your e-mail, Mr. Moore --

14 A Oh, okay.

15 Q -- you --

16 A We found that to be a problem --

17 Q Also.

18 A -- in the jail also. Well, that is in
19 the jail. I mean, all of this is happening in
20 the jail. So what --

21 Q Well, I'm asking what is the problem
22 you're talking about? You said that could be
23 a problem.

24 A That we'll have to go back and get

1 inmates and bring them back to intake --

2 Q Okay.

3 A -- which we're disguising the booking
4 time. We had them to go through the booking
5 time with the new process that they had
6 implemented, and it was to work with the OMSe
7 system, but what we found is that, yes, it --
8 and the new booking time -- we got new booking
9 times, which were better, because we were
10 omitting some steps that we were normally
11 doing in the past, and now, after we do them,
12 days later we'll have to go back and end up
13 getting the inmate.

14 And I'm just reminding her, yes, you're
15 absolutely addressing a fact, this is a
16 problem because of the fact that we're the
17 ones that have to go back and get them and
18 take them back down and get them rebooked or
19 get them reprocessed through the --

20 Q Okay.

21 A -- through the pre-trial services
22 department.

23 Q She says this is more time intensive
24 overall. So is it fair to say then the real

1 booking time was increased because of the OMSe
2 software?

3 A I -- I can't -- the real booking time was
4 increased because of the fact that we sat
5 down -- and, when I say we, whoever those
6 persons were that were in that meeting and
7 agreed to do something to identify something
8 that was wanted by OMSe, and they did it.

9 And, upon doing it, they didn't see it
10 all the way through, and it took a few days or
11 a few weeks or whatever for us to identify
12 that it's not the best thing to do, so we went
13 back to where we were supposed to be.

14 Q Okay. Well, you said I have asked that
15 we look into going back to the old. What's --
16 the old what?

17 A The old way, the way that we were doing
18 it prior to the change.

19 Q And that had nothing to do with the
20 computer system?

21 A Well, it had nothing to -- the computer
22 system didn't make us change it. Because we
23 could have told them, on the front-end, no, we
24 weren't going to do this, but the persons that

1 were in the meeting that agreed to do it, they
2 agreed to do it because of the fact that they
3 saw or felt that the new system -- it would
4 work better with the new system. It may have
5 worked better with the new system because it
6 gave us a better time.

7 Q Okay. Well, you go on to state I am
8 working with our IT persons seeing what we can
9 do to correct a problem that I had no
10 knowledge of until this happened.

11 So you were going to use a software
12 solution to -- to fix this booking time
13 problem?

14 A No. We couldn't use the software to fix
15 the booking time problem because manually we
16 had to go back and get those same inmates that
17 we had already taken through the process.

18 Q How would an IT person solve that problem
19 then?

20 A Because of the fact that they were --
21 they were a part of these meetings, and for
22 them to deal -- I think I told you earlier,
23 every step in intake had a number. You go
24 one, you go two, you go three, you go four,

1 you go five. It's five different steps in
2 there.

3 What they did was they moved -- let's
4 just say pre-trial is number two. Medical is
5 number one. Well, classification is number
6 four. They moved the pre-trial number in
7 order that they could do what they were doing,
8 and, when they moved it, they moved it in the
9 JMS system, which is a computer issue.

10 So, with them having to move it, now for
11 us to go back and remove it or put it back
12 where it belonged, we've got to get IT in.

13 Q Okay. So you needed IT to change the
14 program so you could go back to a more
15 efficient way to do things?

16 A Go back to doing what we were normally
17 doing.

18 Q Okay. And if you had stayed with the
19 current system, it would have been slower?

20 A Yes. Yeah. We wouldn't have had --
21 yeah. Simpler.

22 (Whereupon, Exhibit 17 was marked.)

23 BY MR. WATSON:

24 Q I'll show you Exhibit 17.

1 A Okay.

2 Q And I'll represent to you, Mr. Moore,
3 this is a follow-up -- you may recall we
4 talked about a gentleman named Alan Lee with
5 the AF --

6 A AFSCME.

7 Q -- SCME who --

8 A AFSCME.

9 Q I'm sorry?

10 A AFSCME.

11 Q Ask you what?

12 A AFSCME.

13 Q Oh, AFSCME. Is that how you say it? I
14 apologize.

15 A The union.

16 Q I've been drinking whiskey. Not you.

17 All right. So the union head, at least
18 the local union head, had written in some
19 concerns. We've talked about that.

20 And if you want to go to the second page
21 of Exhibit 17, it looks like Kim Koratsky is
22 proposing a response to Mr. Lee there in the
23 middle. This is November 15th. He says what
24 do you think about this for a response? Alan,

1 unfortunately, Mr. Leech and Chief Moore are
2 buried right now working on the system
3 transition and associated issues --

4 MR. HORTON: Go ahead.

5 BY MR. WATSON:

6 Q -- and are unable to meet at this time.

7 Once the system transition is complete, if
8 there are still problems, we should be able to
9 set up a meeting. And that's KK. Do you see
0 that?

11 A Uh-huh.

12 Q Okay.

20 MR. WATSON: Well, does Mr. --

21 Mr. Koratsky, is he -- is he actually a lawyer and
22 works in a lawyer capacity?

23 MR. HORTON: At that time --

24 MR. WHITWELL: Yes. He was the Deputy

1 County Attorney for the County Attorney's office
2 giving them legal advice on how to respond to the
3 union.

4 This is privileged. We designated
5 other versions of this e-mail as privileged,
6 and I'm not sure how this one slipped through,
7 but it shouldn't have. Per the clawback, we
8 can claw this one back.

9 MR. WATSON: I don't know that it's
10 legal advice.

11 MR. BUNDREN: For the record, this is
12 Brandon Bundren asking what's the Bates number of
13 the document?

14 MR. WATSON: This has been clawed back.
15 I'm sorry. Exhibit 17 is SC 515941 through 43.

16 BY MR. WATSON:

17 Q Well, let me ask you this, if you look at
18 the next e-mail, Steve Leech --

19 A Uh-huh.

20 Q Now --

21 MR. HORTON: Which e-mail? I'm sorry.

22 MR. WATSON: That's on the very first
23 page.

24 MR. HORTON: Okay.

1 BY MR. WATSON:

2 Q Now, you -- we've talked -- he was the
3 CEO of --

4 A The sheriff's office.

5 Q The sheriff's office. Okay. And he is
6 writing back -- let me just read this into the
7 record. Quote, how about, the ICJISS team is
8 working on the issues associated to the
9 computer -- to the system conversion. We're
10 all involved in completing this transition and
11 are not available to meet with you at this
12 time. The system conversion was a must for
13 all due to the fact that the JMS system was
14 written in Cobalt language and is not
15 supported. At this point the steering
16 committee is driving our agendas and will
17 remain so until system is implemented. All
18 the sheriff staffs are on hand to assist the
19 jail and complete the project. We will be
20 happy to meet with you after the completion of
21 this mission. If you have any thoughts to
22 help with the transition, please let Chief --
23 the Chief Jailer know, otherwise we
24 respectfully request that we meet at some

1 future date.

2 Here's my question related --

3 MR. HORTON: Let me, once again, say we
4 object to this. This is an attorney-client
5 privilege. This is Steve Leech to Kim Koratsky
6 responding to an e-mail dealing with legal advice,
7 and we'd like to claw this particular e-mail back.

8 MR. WATSON: Okay.

9 BY MR. WATSON:

10 Q My only question is was there any -- do
11 you know, Mr. Moore, one way or the other
12 whether there was any formal response to
13 Mr. Lee that the County or your office sent
14 out?

15 A No, sir.

16 Q Okay.

17 MR. McLAREN: Can I see that when you're
18 done?

19 BY MR. WATSON:

20 Q Yeah, the -- the very top now is -- is an
21 e-mail from Debra Fessenden. She's not a
22 lawyer, right?

23 MR. HORTON: She is a lawyer in the
24 sheriff's office.

1 BY MR. WATSON:

2 Q Well, she wasn't a lawyer at the time
3 that this was written, was she?

4 MR. WHITWELL: She's been a lawyer since
5 1990.

6 THE WITNESS: Yes, sir, she --

7 BY MR. WATSON:

8 Q Well, she wasn't acting as a lawyer for
9 Shelby County, was she?

10 A She's a legal advisor for the sheriff.

11 MR. CRADDOCK: He's already testified
12 she was a legal advisor for the --

13 MR. WATSON: Oh, okay. All right.

14 BY MR. WATSON:

15 Q Well, suffice it to say, Ms. Fessenden --
16 you agree she's not talking about legal advice
17 in this document; is that correct?

18 A I don't know what she's talking about. I
19 would like to...

20 MR. WHITWELL: Object to the form.

21 THE WITNESS: The rumor mill is in full
22 force...

23 MR. CRADDOCK: Well, this --

24 MR. HORTON: This is --

1 MR. CRADDOCK: This whole dialogue is
2 about legal advice. I --

3 MR. WATSON: I don't see how. I mean,
4 it's --

5 MR. HORTON: She's writing to Steve
6 Leech, Kim Koratsky and Robert Moore. I mean --
7 and they're talking about --

8 MR. WATSON: Well, you can instruct him
9 not to answer if that's what you want to do.

10 MS. PETRONIO: I think the proper
11 process for a clawed-back document is for you not
12 to use the clawed-back document until there's been
13 a determination that it's not privileged.

14 MR. WATSON: I don't know that that's
15 under our Protective Order that way, but
16 certainly --

17 MR. BURNS: It seems inefficient to do
18 it that way --

19 MR. WATSON: It really does.

20 MR. BURNS: -- when you've got the
21 witness here.

22 MR. HORTON: Well, but it's -- we've all
23 agreed that we can claw this document back, and so
24 we're clawing it back, and it's --

1 MR. BURNS: Based on your assumption
2 that it's privileged. The Court might disagree
3 with you.

4 MR. WATSON: Well, I was just --

5 MR. BURNS: Then we'd have to come back.

6 BY MR. WATSON:

7 Q Well, let me ask you this way.

8 Mr. Moore, was there some sort of impression,
9 by employees in the jail, that the sheriff
10 made the decision to employ the new computer
11 system?

12 MR. HORTON: Object to the form.

13 THE WITNESS: I'm sorry.

14 BY MR. WATSON:

15 Q Sure.

16 A I'm sorry.

17 Q Did you hear that people out there that
18 were employees of the jail thought the sheriff
19 had made the decision to use this computer
20 software?

21 MR. HORTON: Object to the form.

22 MR. CRADDOCK: Object to the form.

23 THE WITNESS: I think there were some
24 people in the jail who were thinking that the

1 sheriff was thinking positively about using the
2 system.

3 BY MR. WATSON:

4 Q Right. And... But the -- the reality
5 was the sheriff didn't have a hand at all in
6 selecting this computer system; is that fair?

7 A That's fair.

8 Q Do you -- do you know who selected the
9 system?

10 A No, sir.

11 Q Okay.

12 MR. CRADDOCK: Let's mark this, I guess,
13 specially for -- just for identification purposes
14 only. Because we're not agreeing to this being
15 admitted as an exhibit to the deposition.

16 MR. WATSON: Let's make this Exhibit 18.

17 (Whereupon, Exhibit 18 was marked.)

18 BY MR. WATSON:

19 Q This is Exhibit 18. The Bates range is
20 SC 550606 through 550618.

21 MR. BUNDREN: I'm sorry, Mr. Watkins.
22 Can you repeat that real quick?

23 MR. WATSON: Yes. It is SC 550606
24 through 55618.

1 BY MR. WATSON:

2 Q Now, at the very top of this is an e-mail
3 from a Craig Willis to -- to Travis Green,
4 among others. Who -- do you know who Travis
5 Green is?

6 A I'll have to say -- I think Travis Green
7 was one of the administrators for the clerk's
8 office, the judges, for the judges' office.

9 Q And Edward Stanton was -- was what?

10 A Now, Mr. Stanton, he was -- he was over
11 the clerk's office. He's --

12 Q The General Sessions clerk's office?

13 A General Sessions, yes.

14 Q Not the Circuit Court?

15 A Not the Circuit --

16 Q Okay.

17 A -- or the criminal, but General Sessions.

18 Q Okay. And then -- but he handled General
19 Sessions Criminal as well, right?

20 A Okay. If you say so.

21 Q Okay. You don't know?

22 A Yeah. If you say so.

23 Q Okay. Phyllis Sheppard, do you know who
24 she is?

1 A No.

2 Q Okay. And Gortria Banks?

3 A Those were all persons, I think, working
4 out of Mr. Stanton's office.

5 Q Okay. Let's go to first -- and I just
6 have a question here. Well... This is --
7 attached to the e-mail are a number of
8 documents. The first document is a -- is a
9 memo that says Confidential, Travis, I'm sure
10 you're aware, someone mentioned to me that
11 there had been media coverage about problems
12 with Odyssey, which I had not seen, so I
13 thought I would try to see what's out there.

14 Attached are several reports, I may have
15 missed something, but I was surprised to see
16 how much has started to pile up. Also
17 attached is a letter that Congressman Cohen
18 sent to the DOJ, which I pro -- I'm sure
19 you've probably seen.

20 Now, the -- we don't have the full letter
21 that's been attached, but it is -- it's 60 --
22 550609. During this timeframe, November and
23 December of 2016, did you ever become aware
24 that the -- Congressman Cohen had written a

1 letter to the head U.S. Attorney General
2 asking her to investigate into the jail?

3 MR. AL McLEAN: Object to the form.

4 MR. TRAMMELL: Object to the form.

5 MR. HORTON: Objection. This has
6 nothing to do with class certification. This has
7 everything to do with merits.

8 MR. AL McLEAN: I object to the form as
9 to anything having to do with this document that
10 doesn't show him on it.

11 BY MR. WATSON:

12 Q I'm just asking did -- did you receive
13 that letter?

14 A No.

15 Q Okay. That's all.

16 MR. TRAMMELL: Objection; merits-based.

17 BY MR. WATSON:

18 Q Did you review -- and there's some --
19 there are some reports here in the e-mail
20 concerning news reports. Did you review news
21 reports concerning the issues at the jail
22 around this timeframe?

23 MR. HORTON: Object to the form. It has
24 nothing to do with class discovery.

1 MR. MCCLAREN: You can answer.

2 BY MR. WATSON:

3 Q Yeah, you can answer. I'm sorry.

4 MR. HORTON: I appreciate you telling my
5 witness that.

6 THE WITNESS: When -- when you say
7 review news reports, such as -- I mean, what do
8 you mean review news --

9 BY MR. WATSON:

10 Q Well, I mean, for example, did you -- did
11 you have your -- you or your staff collect
12 news reports concerning the Odyssey and the
13 computer system and the issues that were going
14 on?

15 A No.

16 MR. HORTON: Object to the form.

17 THE WITNESS: No.

18 BY MR. WATSON:

19 Q Okay. Did you direct anybody we ought to
20 respond to comments that --

21 A No.

22 Q -- about this computer system?

23 A No. That would come from the PO. That
24 would come from the PO who reports directly to

1 the sheriff.

2 Q Okay. And that's Earle Farrell at the
3 time?

4 A Yes.

5 Q Okay. Good enough.

6 (Whereupon, Exhibit 19 was marked.)

7 BY MR. WATSON:

8 Q Let me show you what we've got as
9 Exhibit 19. Exhibit 19 is an e-mail from
10 Shawna Webb to you, Debra Hammons, Charline
11 McGhee and a number of other people; is that
12 correct?

13 A Yeah. I'm -- yes.

14 Q And the e-mail subject is Intake/Post
15 Booking. Do you see that?

16 A Uh-huh.

17 Q And the -- the e-mail is written -- while
18 it's forwarded -- it's sent to you. It's also
19 sent to someone named Tiffany Ward. Who is
20 Tiffany Ward?

21 A Tiffany Ward. Who is Tiffany Ward. Oh,
22 she was the acting assistant chief in charge
23 of programs.

24 Q Say that -- I'm sorry. Say that again.

1 A She was the acting assistant chief in
2 charge of programs.

3 Q What kind of programs would those be?

4 A We call programs anything outside of
5 security matters. And she was in charge of
6 all programs, the counselors. In this case
7 she would have been in charge dealing with Ms.
8 Webb, Ms. Webb being a manager, but Ms. Ward
9 was the person that she reported to.

10 Q And -- I mean, would one of the programs
11 have been the Odyssey software and the OMS
12 software?

13 A No. The program would be intake
14 processing.

15 Q Okay. Okay. So she's -- she is -- Ms.
16 Webb is writing Ms. Ward about the intake
17 process?

18 A Yes.

19 Q Okay. Do you know why that she sent this
20 to you?

21 A Probably as a group -- I -- with
22 everything going on at that particular point,
23 everybody wanted to be safe and make sure that
24 everybody got their information, so I was just

1 probably in a group answer -- or group --

2 Q Right. Okay. Well, she -- she's pointed
3 out several e-mails -- inmates. The first is
4 Inmate Ruffin. She states, quote, shows nolle
5 pros as well, but he went to court on today's
6 date, and we do not have any release paperwork
7 on him. Both of these defendants were seen in
8 the same courtroom.

9 So she's indicating to him -- to you
10 that -- that he should be released; is that
11 correct?

12 MR. HORTON: Object to the form.

13 THE WITNESS: It sounds like to me what
14 she's doing is she's referring to her supervisor,
15 and she's just making note that everybody else
16 pick up on it. She's got an inmate, and she's
17 done the follow-up dealing with the paperwork, and
18 she doesn't have anything on this particular guy.
19 It doesn't say that he's to be released. It says
20 we do not have any release paperwork on him
21 either.

22 Now, when I read that, just that
23 alone, probably -- or -- for some reason,
24 she's looking into this directly to find out

1 why he had not been released based on
2 somebody's conversation, and now what she's
3 passing on to us, all of us, is that she don't
4 have any release paperwork from him from the
5 courts at all.

6 BY MR. WATSON:

7 Q Okay. Let's take a look to the third
8 page of this. That's 050550. And there's an
9 e-mail -- right there. You've got it.
10 There's an e-mail from Tiffany Ward to you and
11 others dated November the 21st, 2016. Again,
12 Intake/Post Booking, and she says, quote, in
13 an effort to assist in any way possible with
14 inmates in the intake area, myself and Ms.
15 Ellis conducted a walk-through of the area
16 today. We were looking for inmates that had
17 been in the area over 72 hours to determine if
18 they had seen medical, needed family contact,
19 visit from chaplain and to assess their
20 overall well-being. Most inmates in the
21 intake area were recent arrest of 11/20/2016.
22 We also did a walk-through of the post booking
23 area. Several of the inmates in this area
24 have been there since 11/18/2016. We ensured

1 that all in the area had seen medical and
2 mental health. Additionally, many appeared to
3 have no bond set and no court dates set on --
4 in the OMS system and were unaware of what was
5 happening with their cases. I was able to go
6 to pre-trial services and inquire about the
7 bonds and the court information. Apparently
8 their Odyssey system shows court and bond
9 information that our staff in -- intake/post
10 booking cannot see.

11 So, once again, we're -- you're hearing
12 from a County employee that the OMS system is
13 not reflecting bonds and court dates and
14 information that's in Odyssey; is that
15 correct?

16 A Yes.

17 MR. HORTON: Object to the form.

18 BY MR. WATSON:

19 Q And she's listed one, two, three... A
20 number of inmates that she thinks that issue
21 has affected; is that correct?

22 A Yes. I assume that's what she was doing.
23 She -- she was doing what we instructed her to
24 do.

1 Q Okay. So there are several people here
2 that have -- have information that's not
3 reflected in OMS that's in Odyssey, correct?

4 A Yes.

5 Q Okay.

6 MR. WATSON: I know I said this last
7 time. Let's take a ten minute break. I've
8 probably got ten more minutes and we're done.
9 How's that?

10 MR. BUNDREN: Frank, what was the Bates
11 number on that document?

12 MR. WATSON: Oh, I'm sorry. Let me show
13 it to -- Exhibit 19 is SC 050548 through 551.

14 THE VIDEOGRAPHER: We're off the record
15 at 3:15.

16 (Recess.)

17 THE VIDEOGRAPHER: We're back on the
18 record at 3:23 p.m.

19 (Whereupon, Exhibit 20 was marked.)

20 BY MR. WATSON:

21 Q I'm going to show you what I've marked as
22 Exhibit 20.

23 MR. CRADDOCK: Oh, before you -- before
24 you start there, that document that we've clawed

1 back, while we reserve all rights as to privilege,
2 if you have other questions you want to ask about
3 it, we will agree to let you do it with our
4 reservation of clawing it back and our reservation
5 of striking the testimony. We want to get it over
6 with.

7 MR. WATSON: Okay. All right. I'm glad
8 you brought that up. Let me first -- which
9 exhibit was that?

10 MR. HORTON: Was it 19?

11 MR. BURNS: It was actually 17.

12 MR. HORTON: Seventeen.

13 MR. WATSON: Okay.

14 BY MR. WATSON:

15 Q Well, let's just go to Exhibit 20 for
16 right now. Exhibit 20 is an e-mail from Debra
17 Fessenden to you and others at the jail; is
18 that correct?

19 A Yes, sir.

20 Q And the subject is County Commissioners
21 Talk Legal Options in Computer Foul-Up. Do
22 you see that?

23 A Yes, sir.

24 Q And then there's an article -- I'm not --

1 it's apparently, allegedly, written by
2 somebody named Bill Dries, forwarding that
3 article to you; is that correct?

4 A Yes, sir.

5 Q And -- there's a quote from Commissioner
6 Heidi Shafer. It says, quote, Commissioner
7 Heidi Shafer said the system replaced by the
8 Odyssey program should have remained in place
9 during the transition instead of shutting it
10 down and bringing up Odyssey. She also
11 questioned whether the problem was drawing the
12 appropriate sense of urgency. Quote, people's
13 U.S. Constitutional rights are in jeopardy and
14 have been, in my opinion, violated, Shafer
15 said. That is no small factor. We have to
16 get it fixed, and we have to make sure it
17 doesn't happen again.

18 Did you have any reaction to that with
19 respect to what Ms. Shafer had to say?

20 MR. HORTON: Object to the form.

21 MR. TRAMMELL: Object to the form.

22 THE WITNESS: No, sir.

23 MR. TRAMMELL: Merits-based.

24 BY MR. WATSON:

1 Q Do you believe that people's
2 constitutional rights had been violated as
3 a -- as a result of the new computer system?

4 MR. CRADDOCK: Object --

5 MR. HORTON: Object to the form.

6 MR. CRADDOCK: That also requires a
7 legal analysis.

8 BY MR. WATSON:

9 Q I asked you did -- do you believe that?

10 MR. TRAMMELL: Object to the form.

11 THE WITNESS: Their constitutional
12 rights?

13 BY MR. WATSON:

14 Q Yes.

15 A No, sir.

16 Q Okay. And -- do you know why this --
17 this document was sent to you?

18 A No.

19 Q I see that Ms. Fessenden says that please
20 note that Mr. Stanton went right to the point
21 of asking for funding for his staff
22 overtime/supplies. We should be considering
23 that. It will show not only cost but
24 commitment.

1 So she's asking that you ask for
2 additional funding for -- for the jail; is
3 that correct?

4 A I'm -- yeah. That's basically what this
5 is really doing is referring -- it's making me
6 aware that others are asking for monies
7 because of the fact that -- not only of your
8 shortages, but overtime now is becoming a
9 primary problem for --

10 Q Right.

11 A And we were -- we were really into an
12 overtime issue.

13 Q And the overtime was an issue because
14 there was a mass problem with the computer
15 system, correct?

16 MR. TRAMMELL: Object to the form;
17 merits.

18 MR. HORTON: Object to the form.

19 THE WITNESS: No, sir. Overtime was a
20 problem because of the fact that we were -- our
21 shortage in staff and the problem with the system.

22 BY MR. WATSON:

23 Q So twofold, it was short of staff and the
24 problem with the system?

1 A Yes.

2 MR. TRAMMELL: Object to the form.

3 BY MR. WATSON:

4 Q Okay. All right. Let's go back, I'm
5 sorry, to Exhibit 17. I'll ferret it out for
6 you. There it is.

7 MR. ROBERT McLEAN: Frank, what was
8 the Bates number on 20?

9 MR. WATSON: Twenty was -- Exhibit 20 is
10 SC 475742 through 43, just a two-page document.

11 BY MR. WATSON:

12 Q Okay. Let's go back. Your lawyers had
13 objected and said this -- this may be
14 privileged, but they're going to let us ask
15 questions subject to striking your testimony
16 if The Court agrees that this is all
17 privileged or whatnot.

18 So let's take a look at the -- the second
19 page of Exhibit 17 where Mr. Leech is -- he
20 says -- well, the first page says I do not
21 like the word buried. And then he proposes
22 some language to be sent to Mr. Lee at the
23 union. Is that correct?

24 A Mr. Alan, Alan Lee.

1 Q Okay. Mr. Alan Lee.

2 A Okay.

3 Q And he says, quote, the -- I -- well, I
4 think I've read this to you before. But
5 suffice it to say, he's -- he's pointing out
6 that -- that your -- strike that. The ICJISS
7 team is working on the issues associated with
8 the computer conversion.

9 That -- that team -- who comprised that
10 team, do you know?

11 A No. You mean --

12 Q Well --

13 A -- who identified who's going to be on
14 it?

15 Q Well, who is on it? He says there's a
16 team working on stuff, the ICJISS team.

17 A It -- that was a team, I think, that
18 was -- I'm thinking that was a team that was
19 generated from the steering committee.

20 Q Okay. Was that a team that was generated
21 because of the problems experienced with the
22 computer system or were they just already
23 there?

24 MR. TRAMMELL: Object to the form.

1 THE WITNESS: No, it's just a team that
2 was generated from that. And I'm thinking that
3 that team is -- is part of the command staff
4 that -- that's just a probably.

5 BY MR. WATSON:

6 Q Okay.

7 A I'm not sure -- I don't really know who's
8 on that team, but it sounds like to me that's
9 the team of those decision-makers, final
10 decision-makers.

11 Q Okay. Suffice it -- he says the system
12 conversion was a must for all due to the fact
13 that the JMS system was written in Cobalt
14 (dos) language and is not supported.

15 Suffice it to say that Mr. Leech is not
16 proposing to respond to Mr. Lee's concerns
17 that the problems that Mr. Lee raised were
18 nothing other than computer-oriented?

19 MR. TRAMMELL: Object to the form.

20 BY MR. WATSON:

21 Q Is that fair?

22 A Yeah, you may need to talk to Mr. Leech.

23 Q Well, but, I mean, you're -- you're on
24 this e-mail string, right?

1 A I'm on the string, and, with me being on
2 the string, I would still say that I think you
3 may want to talk to Mr. Leech about what his
4 point of -- what his points are here
5 because --

6 Q Okay.

7 A -- I really don't know.

8 Q Well, certainly you didn't chime in and
9 say, hey, hey, this is really not a
10 computer-related issue, this is something
11 else, fair enough?

12 A Fair enough.

13 Q Okay. And then let's go back up to the
14 top. This is -- Debra Fessenden says, hi, I
15 would like to share the -- that the rumor mill
16 is in full force. So many line staff are
17 under the impression that the situation is the
18 result of a decision by the sheriff. They are
19 quick to blame the sheriff for a failure to
20 plan/train/support when the situation is quite
21 different, close quote. Do you agree with
22 that?

23 A Well, yes, because most people didn't
24 know that all of this planning and the

1 training and stuff was going on until we
2 started actually pulling them off of their
3 posts in order that we could actually do the
4 training. So, you know, they -- and -- the
5 union was just being the union.

6 Q Well -- okay. She goes on to say, quote,
7 the extent -- to the extent Mr. Lee can be
8 filled in so that the SCSO -- and I assume
9 that means -- what does that --

10 A Shelby County Sheriff's Office.

11 Q Okay. Shelby County -- is, in essence,
12 one of the County IT clients in this
13 project/process, along with the clerks -- the
14 court clerks, the judges, the DA, the PD, that
15 might be helpful. He needs to understand that
16 the SCSO has no power or ability to select
17 another provider or go back in time. We just
18 have to keep meeting and working through.

19 Well, was there any thought, within the
20 Shelby County Jail, that perhaps there ought
21 to be a movement back to the old JMS system?

22 MR. TRAMMELL: Object to the form;
23 merits.

24 THE WITNESS: Yes, sir.

1 BY MR. WATSON:

2 Q There was?

3 A Yes, sir.

4 Q And that was because of all the computer
5 problems that were happening with respect to
6 the OMS and Odyssey software, correct?

7 MR. TRAMMELL: Object to the form;
8 merits.

9 THE WITNESS: Yes, sir.

10 BY MR. WATSON:

11 Q Okay. All right. That's that.

12 Mr. Moore, we may have to have you -- and
13 I don't want to offend you, but we may have to
14 get you to come to court to testify in this
15 case, so let me ask you, where is your --
16 where is your residence? What's your address?

17 A 6988 Dakota North, Olive Branch,
18 Mississippi.

19 Q Don't worry, I'm not coming to visit.

20 A That's okay. I know how to stop you.

21 Q You don't plan to move anytime soon, do
22 you?

23 A Not soon.

24 Q Okay. All right. I don't have any

1 further questions at this time. Thank you.

EXAMINATION

3 BY MR. HORTON:

4 Q I just have a few questions, Mr. Moore.

5 We've talked about the judicial commissioner,
6 and I just want to be sure I'm clear.

7 When a person comes into the jail that's
8 arrested without a warrant, where do they go
9 first?

10 A They go directly to the commissioner.

11 Q That's the judicial commissioner?

12 A Yes, sir.

13 Q And what happens at the judicial
14 commissioner?

15 A The judicial commissioner will review the
16 arrest ticket and determine whether or not the
17 arrest is justified or not.

18 Q So that's probable cause, I think --

19 A Yes.

20 Q -- what you talked about before?

21 A Yes.

22 Q So if they find probable cause, what
23 happens to the person?

24 A Then he or she will sign off on it, and

1 then they will send them over to the booking
2 window, which is ours.

3 Q Okay.

4 A The jail's.

5 Q And if they are not found to have
6 probable cause, what happens?

7 A Then the arresting officer has got to
8 find something to do with him to get him out
9 of that building.

10 Q Okay. Can an inmate -- excuse me, can an
11 arrestee get past the judicial -- get in the
12 jail without going past the judicial
13 commissioner if they're arrested without a
14 warrant?

15 A No, sir.

16 Q Okay. We've talked a little bit about
17 release in general. When a person is getting
18 ready to release -- the release process, tell
19 me what kinds of things determine whether or
20 not a person can be released. What factors go
21 into it?

22 A The -- the releases are really generated
23 from the court clerk's office, and what
24 happens is that twice a day what we'll have is

1 we've got a -- a court clerk representative
2 that comes to our release area, and what
3 they'll do is they'll bring the release
4 paperwork, from the various courts, for
5 individuals to be released, and then what
6 they'll do is they'll sign them into the
7 logbook. And this is a -- a -- you know, just
8 a regular logbook. And they'll sign them into
9 the logbook, and they sign them in with a date
10 and a time as relates to them signing them in,
11 not for the release time.

12 And what happens after that is that the
13 release clerks then take those logbooks and
14 they go through each one of those individuals
15 through a releasing process. And that is to
16 deal with any other charges, any outside
17 warrants, any -- I mean, all of these things
18 are to be dealt with. And they -- if it's a
19 hundred of them, they have to go through each
20 and every one of them. But they come twice a
21 day, and this is how that works.

22 Q So you talked about other warrants. What
23 other -- what other factors may go into
24 determining when a new inmate can -- or an

1 arrestee can be released or can't be released?
2 A Division 4 of General Sessions may
3 release an inmate on a particular charge that
4 was in that particular courtroom, but there
5 was a warrant, on that same individual, in
6 Criminal Court Division 6, and that finding
7 will determine that, hey, yes, you're to be
8 released on the General Sessions charge, but
9 you cannot be released on the warrant based on
10 the -- on the criminal side.

11 Now, it could be a total reverse. He
12 could have a Criminal Court release and still
13 have a warrant or a hold on some sort of
14 charge dealing with General Sessions, and he
15 still can't go anywhere, or she can't go
16 anywhere.

17 So there's -- it could be in our
18 jurisdiction, Shelby County, or it could be in
19 some other district, but the fact is that if
20 it's there, until it's cleared up, he's not
21 going anywhere.

22 Q So would another factor be, as you -- I
23 think you've talked about, an out of state
24 warrant?

1 A Yes, out of state.

2 Q Okay. Could any other factors be --

3 A Federal. I mean, just --

4 Q Could you list some of those for -- those
5 factors for me?

6 A I'm trying to think. Out of state
7 warrants. It could be something as simple as
8 child -- you know, children neglect or --

9 Q Child support?

10 A Yeah, child support. It could be
11 anything that's signed off by a judge or a --
12 or someone appointed as that -- you know, for
13 that particular district. And what we'll have
14 to do is honor that.

15 And we do have cases where -- or have had
16 cases, and still do have cases, where we will
17 notify those agencies, those outside agencies,
18 and sometimes they'll say, well, you know
19 what, I tell you what, we'll sign off on it
20 and send you something and say you can go
21 ahead on and release, and then some say, no,
22 don't release him, we'll come pick him up.

23 Q Okay.

24 A So we -- and that happens often.

1 Q All right. Would you deliberately keep
2 anyone in jail after their release time has
3 been made?

4 A No, sir. No. I -- no, sir.

5 MR. WATSON: That's a merits question.

6 MR. HORTON: I think it's class like you
7 said.

8 MR. WATSON: Oh, okay.

9 MR. HORTON: I think that's all. Thank
10 you.

11 FURTHER EXAMINATION

12 BY MR. WATSON:

13 Q One follow-up, suffice it to say, the
14 complaints that you were getting, from your
15 jail staff, about people not being released
16 had nothing to do with a hold or a warrant
17 from somewhere else, it had to do with the
18 computer system, right?

19 MR. TRAMMELL: Object to the form.

20 MR. HORTON: Object to the form.

21 THE WITNESS: When you say -- us getting
22 complaints from our staff?

23 BY MR. WATSON:

24 Q Yes.

1 A Well -- yeah. Yeah, it would be because
2 of the system rather than what normally is
3 happening. Yeah. Because they were
4 responsible for what would be normally
5 happening outside of the system, or that's the
6 way they felt.

7 Q All right. Thank you.

8 MR. HORTON: Thank you. Thank you,
9 Mr. Moore.

10 THE VIDEOGRAPHER: Off the record at
11 3:42.

12 AND FURTHER THE DEPONENT SAITH NOT
13 (Signature Waived.)

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C E R T I F I C A T E

2

3 STATE OF TENNESSEE:

4

COUNTY OF SHELBY:

5

I, LISA C. VAUGHN, Registered Professional Reporter,
and Notary Public for the State of Tennessee at Large, do
hereby certify that I reported in machine shorthand the
above-captioned proceedings.

6

I HEREBY CERTIFY that the foregoing pages contain a
full, true, and correct transcript of my said Stenotype
notes then and there taken.

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I FURTHER CERTIFY that I am not an attorney or counsel
of any of the parties, nor a relative or employee of any of
the parties, nor am I a relative or employee of any attorney
or counsel connected with the action, nor am I financially
interested in the action.

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I FURTHER CERTIFY that in order for this document to be
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and my embossed notarial seal and that any reproduction in
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THEREFORE, witness my hand and my official seal in the
State of Tennessee on March 19, 2020.

10

11 LISA C. VAUGHN, RPR, LCR
12 LCR #048 - expires June 30, 2020
13 Notary Public at Large

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MR. CRADDOCK: [67] 7/19 25/19 28/20 31/2 39/18 40/12 40/22 42/6 42/17 42/21 42/24 43/8 44/20 45/8 45/12 46/3 46/14 58/2 58/22 59/2 59/6 61/7 61/10 62/6 62/9 62/19 93/6 96/21 97/2 97/4 98/3 100/16 100/19 107/12 119/2 131/20 132/3 132/6 132/9 132/15 148/11 153/3 153/8 153/11 158/15 158/19 160/7 170/8 173/14 176/7 176/24 177/2 178/1 185/14 185/19 185/22 186/1 196/6 196/9 224/10 224/22 224/24 226/21 227/11 237/22 240/3 240/5				2 2'0 [1] 15/16 2'08 [2] 15/16 15/17 2'09 [1] 15/17 20 [8] 6/16 205/10 237/19 237/22 238/15 238/16 242/8 242/9 20 percent [1] 156/17 2000 [2] 2/7 3/23 2001 [1] 14/21 2008 [1] 15/18 2009 [1] 15/18 201 [3] 6/13 14/7 154/9 2015 [1] 24/6 2016 [18] 20/14 24/4 30/14 30/16 48/10 52/18 59/13 63/4 64/7 2018/2016 [1] 235/24 21/20/2016 [1] 235/21 1100 [1] 1/23 1128 [1] 48/2 118 [1] 6/11 119 [1] 4/17 11:29 [1] 103/11 11th [2] 2/3 7/4 12 [5] 6/12 193/22 194/1 194/18 194/22 120 [1] 4/22 129 [1] 6/11 12:40 p.m [1] 103/14 13 [4] 6/13 198/10 198/12 198/13 130 [2] 4/14 169/15 14 [5] 6/13 201/5 201/7 201/8 203/5 15 [7] 6/14 59/13 118/5 156/17 203/10 203/12 205/8 150 [1] 82/6 158 [1] 6/12 15th [2] 61/23 219/23 16 [7] 6/14 206/11
MR. HALIJAN: [1] 8/3 MR. HORTON: [163] 7/17 8/22 9/1 9/7 9/10 9/17 9/23 10/4 10/8 10/17 18/18 18/24 19/9 19/12 22/13 24/19 25/18 26/9 26/18 27/14 27/19 30/8 30/11 30/14 30/16 31/15 31/23 32/19 33/24 35/4 35/10 35/15 37/22 38/20 39/2 39/17 51/23 52/9 53/6 53/8 54/4 54/10 55/3 55/7 56/11 57/1 59/18 60/14 60/17 61/3 61/6 62/5 66/20 67/3 67/10 67/22 68/19 71/1 72/13 73/3 73/17 74/12 75/15 79/4 82/23 86/14 90/8 91/10 91/18 92/4 93/5 94/1 95/18 96/16 98/15 99/2 99/18 100/14 101/6 102/14 102/24 103/8 104/24 105/8 107/11 109/17 110/6 112/9 114/18 117/20 120/14 123/22 125/18 127/4 128/23 133/6 133/16 134/3 137/2		MS. PETRONIO: [2] 8/5 225/9 THE VIDEOGRAPHER: [15] 6/16 29/4 29/8 29/13 43/3 43/6 103/9 103/12 165/7 165/10 205/12 205/15 237/13 237/16 254/9	THE WITNESS: [142] 24/20 25/20 26/10 26/19 27/15 27/21 31/16 31/24 32/20 34/1 35/5 35/11 35/16 37/23 38/11 38/21 39/3 39/19 52/2 52/10 53/7 53/9 53/18 54/5 54/11 55/10 58/4 58/8 60/22 66/22 67/4 67/11 67/23 68/21 71/3 72/14 73/18 74/13 75/3 75/17 82/24 86/15 89/12 91/2 91/11 91/20 92/5 93/7 94/2 96/17 98/16 99/5 99/19 100/15 100/18 100/21 102/15 103/2 105/1 105/9 109/19 111/22 114/19 115/10 115/23 116/12 116/19 117/16 120/15 125/1 125/21 127/6 127/15 128/24 133/18 134/4 134/15 136/6 136/12 137/3 138/2 140/12 141/16 141/21 142/10 144/7 144/10 145/18 147/18 148/17 150/13 154/23	1 10 [8] 6/11 117/20 129/6 129/9 129/9 143/11 154/1 187/21 107 [1] 6/10 10:19 [2] 43/3 43/5 10:34 a.m [1] 43/8 11 [14] 1/17 6/3 6/12 48/10 57/23 143/13 145/11 158/4 158/5 165/15 165/16 165/17 167/4 182/11 11/18/2016 [1] 235/24 11/20/2016 [1] 235/21 1100 [1] 1/23 1128 [1] 48/2 118 [1] 6/11 119 [1] 4/17 11:29 [1] 103/11 11th [2] 2/3 7/4 12 [5] 6/12 193/22 194/1 194/18 194/22 120 [1] 4/22 129 [1] 6/11 12:40 p.m [1] 103/14 13 [4] 6/13 198/10 198/12 198/13 130 [2] 4/14 169/15 14 [5] 6/13 201/5 201/7 201/8 203/5 15 [7] 6/14 59/13 118/5 156/17 203/10 203/12 205/8 150 [1] 82/6 158 [1] 6/12 15th [2] 61/23 219/23 16 [7] 6/14 206/11
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